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August 17, 1999

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS–99–03]

Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act (Act) of 1985 and the Pork Promotion, Research, and Consumer Information Order (Order) issued thereunder, this final rule decreases by sixteen-hundredths of a cent per pound the amount of the assessment per pound due on imported pork and pork products to reflect a decrease in the 1998 five-market average price for domestic barrows and gilts. This action brings the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720–1115.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12988 and Regulatory Flexibility Act and the Paperwork Reduction Act

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

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which such person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

This action also was reviewed under the Regulatory Flexibility Act (RFA)(5 United States Code (U.S.C.) 601 *et seq.*). The effect of the Order upon small entities initially was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898). It was determined at that time that the Order would not have a significant effect upon a substantial number of small entities. Many of the estimated 1,000 importers may be classified as small entities under the Small Business Administration definition (13 CFR 121.601).

This final rule decreases the amount of assessments on imported pork and pork products subject to assessment by sixteen-hundredths of a cent per pound, or as expressed in cents per kilogram, thirty-five-hundredths of a cent per kilogram. This decrease is consistent with the decrease in the annual price of domestic barrows and gilts for calendar year 1998. The average annual market price decreased from $51.30 per hundredweight in 1997 to $31.82 per hundredweight in 1998, a decrease of about 38 percent. Adjusting the assessments on imported pork and pork products would result in an estimated decrease in assessments of $888,000 over a 12-month period. Assessments collected for 1998 were $3,834,656. Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Act (7 U.S.C. 4801–4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent in 1991 (56 FR 51635) and to 0.45 percent effective September 3, 1995 (60 FR 29962). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, 56 FR 51635, 60 FR 29962, 60 FR 33681, and 60 FR 58501) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.45 percent of the animal's declared value and importers of pork and pork products to pay USCS, upon importation, the assessment of 0.45 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule decreases the assessments on all of the imported pork and pork products subject to assessment as published in the **Federal Register** as a final rule August 28, 1998, and effective September 28, 1998; (63 FR 45935). This decrease is consistent with the decrease in the annual average price of domestic barrows and gilts for calendar year 1998 as reported by USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This decrease in assessments will make the equivalent market value of the live

porcine animal from which the imported pork and pork products were derived reflect the recent decrease in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.45 percent of the market value.

The methodology for determining the per pound amounts for imported pork and pork products was described in the Supplementary Information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the Department's Statistical Bulletin No. 697 ''Conversion Factors and Weights and Measures.'' These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average market price for barrows and gilts as reported by USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in LGMN Branch's publication ''Livestock, Meat, and Wool Weekly Summary and Statistics.'' Finally, the equivalent value is multiplied by the applicable assessment rate of 0.45 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent per pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual market price decreased from $51.30 in 1997 to $31.82 in 1998, a decrease of about 38 percent. This decrease will result in a corresponding decrease in assessments for all HTS numbers listed in the table in § 1230.110, 63 FR 45935; August 28, 1998, of an amount equal to sixteen-hundredths of a cent per pound, or as expressed in cents per kilogram, thirty-five-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products available for the period January 1, 1998, through December 31, 1998, the decrease in assessment amounts would result in an estimated $888,000 decrease in assessments over a 12-month period.

On June 10, 1999, AMS published in the **Federal Register** (64 FR 31158) a proposed rule which would decrease the per pound assessment on imported pork and pork products consistent with decreases in the 1998 average prices of domestic barrows and gilts to provide comparability between imported and domestic assessments. The proposal was published with a request for comments by July 12, 1999. No comments were received.

Accordingly, this final rule establishes the new per-pound and per-kilogram assessments on imported pork and pork products.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

Subpart B—[Amended]

2. In § 1230.110 paragraph (b) is revised to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

* * * * *

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.11.0000	.20	.440920
0203.12.1010	.20	.440920
0203.12.1020	.20	.440920
0203.12.9010	.20	.440920
0203.12.9020	.20	.440920
0203.19.2010	.24	.529104
0203.19.2090	.24	.529104
0203.19.4010	.20	.440920
0203.19.4090	.20	.440920
0203.21.0000	.20	.440920
0203.22.1000	.20	.440920
0203.22.9000	.20	.440920
0203.29.2000	.24	.529104
0203.29.4000	.20	.440920
0206.30.0000	.20	.440920
0206.41.0000	.20	.440920
0206.49.0000	.20	.440920
0210.11.0010	.20	.440920
0210.11.0020	.20	.440920
0210.12.0020	.20	.440920
0210.12.0040	.20	.440920
0210.19.0010	.24	.529104
0210.19.0090	.24	.529104
1601.00.2010	.28	.617288
1601.00.2090	.28	.617288
1602.41.2020	.31	.683426
1602.41.2040	.31	.683426
1602.41.9000	.20	.440920
1602.42.2020	.31	.683426
1602.42.2040	.31	.683426
1602.42.4000	.20	.440920
1602.49.2000	.28	.617288
1602.49.4000	.24	.529104

Dated: August 11, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 99–21303 Filed 8–16–99; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 319

[Docket No. 94–015N]

RIN 0583–AB82

Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Affirmation of effective date for direct final rule.

SUMMARY: On May 24, 1999, the Food Safety and Inspection Service (FSIS) published a direct final rule, ''Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products'' (64 FR 27901). This direct final rule notified the public of FSIS's intention to amend the Federal meat inspection regulations to allow the use of soy protein concentrate, both singly and in combination with

modified food starch or carrageenan, as a binder in cured pork products labeled ''Ham with Natural Juices,'' ''Ham Water Added,'' and ''Ham and Water Product—X% of Weight is Added Ingredients,'' and to increase the permitted use level of modified food starch as a binder in ''Ham and Water Product—X% of Weight is Added Ingredients'' products. These binders will be used to reduce purging of the pumped brine solution from the products. FSIS received one comment in response to the direct final rule. However, the comment was not an adverse comment or notice of intent to submit an adverse comment. Therefore, FSIS is affirming the July 23, 1999, effective date for this direct final rule.

EFFECTIVE DATE: The direct final rule published on May 24, 1999 at 64 FR 27901 is effective July 23, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Post, Director, Labeling and Additives Policy Division, Office of Policy, Program Development and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 205–0279.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1999, FSIS published a direct final rule ''Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products.'' On June 23, 1999, FSIS received a comment in response to that rulemaking from Protein Technologies International (PTI), a manufacturer of domestically produced soy proteins used in a wide variety of food applications. PTI requested that the direct final rule not be published until the rule could be amended pursuant to PTI's position, which would be enunciated in a supplemental comment to be submitted in the future.

The commenter requested that the direct final rule be modified to include isolated soy protein at appropriate levels consistent with the usage contemplated by the direct final rule with respect to soy protein concentrate. The commenter also suggested that FSIS permit combinations of these substances to include any other approved binder, and not be limited solely to modified food starch, and that such combinations be permitted in any of the categories of ham products established by FSIS regulations.

The direct final rule indicates that the Agency will permit the use of soy protein concentrate, both singly and in combination with modified food starch or carrageenan, as a binder in cured pork products labeled ''Ham with Natural Juices,'' ''Ham Water Added,'' and ''Ham and Water Product—X% of Weight is Added Ingredients,'' as well as allow an increase in the permitted use level of modified food starch as a binder in ''Ham and Water Product—X% of Weight is Added Ingredients'' products. These provisions are based on the specific use requests contained in petitions submitted to FSIS by Central Soya and the National Starch and Chemical Company and informal requests from several food manufacturers and the accompanying data submitted to support the effectiveness of these combined uses. These data supported only the specific use requests submitted to FSIS as reflected in the direct final rule. Neither the data nor the direct final rule addressed the three issues raised by the commenter. The commenter's requests are therefore outside the scope of this rule.

The comment is not adverse with respect to the promulgation of the direct final rule because it was not opposed to the rulemaking. Rather, the comment suggests that provisions of the direct final rule should be extended by FSIS to matters outside the scope of the direct final rule (i.e., to another binder, to other combinations of binders, and to other ham products). Therefore, the effective date remains as July 23, 1999. However, FSIS welcomes the submission of information in support of the request made by the commenter. Upon receipt of data in support of the request, and based on the merits of the data, the Agency will consider further amendments to the meat regulations to include isolated soy protein singly and in combination with other approved binders for use in cured pork and other products.

Done at Washington, DC, on: August 10, 1999.

Thomas J. Billy,

Administrator.

[FR Doc. 99–21304 Filed 8–16–99; 8:45 am]

BILLING CODE 3410–DM–U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 76

RIN 3150–AF85

Certification Renewal and Amendment Processes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending the regulations governing the U.S. Enrichment Corporation's (USEC or the Corporation) gaseous diffusion plants to modify the certification renewal and amendment processes. The amendments are intended to improve these processes so that they are more effective and efficient. The final rule modifies the process for certificate renewals, establishes a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revises the appeal process for amendments, eliminates the ''significant'' designation for amendments, simplifies the criteria for persons who are eligible to file a petition for review of an amendment action, removes references to the initial application because the initial certificates have been issued, and lengthens the time periods associated with filing a petition for review.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Telford, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6229, e-mail JLT@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations establishing NRC's requirements for USEC's Paducah and Portsmouth gaseous diffusion plants (GDPs) were published on September 23, 1994 (59 FR 48960). Subsequently, the Atomic Energy Act (AEA) of 1954 was modified to increase the period for certificate renewals from 1 year to up to 5 years. The regulations implementing this modification to the AEA were published on February 12, 1997 (62 FR 6670). On March 3, 1997, the GDP's came under NRC's oversight. Since 1997, the NRC has implemented the initial certification and numerous certificate amendments. As a result, the NRC staff identified several areas where changes would improve the effectiveness and efficiency of the certificate renewal and amendment processes.

On September 15, 1998 (63 FR 49301), the NRC published a proposed rule that presented amendments to 10 CFR Part 76 intended to make the certification renewal and amendment processes more effective and efficient.

Comments on the Proposed Rule

The Commission received one letter commenting on the proposed rule. A copy of the letter is available for public inspection and copying for a fee at the

Commission's Public Document Room, located at 2120 L Street, NW (Lower Level), Washington, D.C. This letter came from USEC, which leases and operates the GDPs. The Corporation supported the proposed rule, but had two specific comments.

Comment 1: ''The proposed wording states that a certificate amendment will be effective when issued by the NRC staff. Immediate implementation upon issuance of the amendment may be possible in some cases; however, in most cases some implementation time will be required. USEC anticipates that in submitting amendment requests, it will continue the current practice of requesting that site implementation occur within a certain period of time (e.g., 30 days) or after completion of certain activities (e.g., equipment installation, testing) after the staff's issuance of the amendment. USEC assumes that the NRC, in granting an immediately effective certificate amendment, will continue to provide the requisite flexibility and time for effective implementation.''

Response: The Commission agrees with the comment. When granting an amendment, the NRC staff intends to allow an appropriate implementation period (e.g., 30 days). To clarify this intent further, the regulatory text has been modified to make an amendment effective on a date specified by the NRC staff.

Comment 2: ''These paragraphs [76.45 (d) and (e)] specify requirements for obtaining the Director's review of the staff's determination and the Commission's review of a Director's decision on an amendment application. These paragraphs state that if the Director or Commission does not issue a decision or otherwise act after receiving a petition for review, the determination on the amendment application remains in effect. However, the ability of the Corporation to implement an effective amendment should a petition be received is unclear. Therefore, USEC requests that the proposed wording in § 76.45(d) and § 76.45(e) be clarified to indicate that, should a petition on an effective amendment be received, implementation of the amendment at the gaseous diffusion plants may continue, unless and until the Director modifies or sets aside the findings, conclusions, conditions or terms in the staff's amendment determination or the Commission modifies or sets aside the findings, conclusions, conditions or terms in the Director's amendment review decision. Should either the staff's decision or the Director's decision be modified or set aside, upon NRC notification, the Corporation would take the required actions with respect to implementation of the effective amendment. USEC's comments in this regard could be addressed with the addition of the following language to §§ 76.45 (d) and (e):

The pendency of a petition [for review] under this subsection shall not delay the effective date of the amendment as issued by the staff under § 76.45(c) above.''

Response: The language of § 76.45 (d) and (e) does not need to be revised. If a petition for review is pending, the Commission believes that the Corporation may implement an effective certificate amendment because of the statements in § 76.45 (c), (d), and (e). In particular, if a petition for review is pending, it would not delay the effective date of the certificate amendment. The Corporation may continue implementation of an effective certificate amendment unless and until it is modified or set aside by either the Director or the Commission.

The Final Rule

This final rule makes the following changes:

Currently, § 76.37 specifies that the Director of the Office of Nuclear Material Safety and Safeguards (the Director) shall publish a **Federal Register** notice of receipt of an application for renewal. This final rule replaces ''shall'' with ''may, at his or her discretion,'' and inserts ''for renewal'' after the first occurrence of the word ''application'' in paragraphs (a), (b), and (c). Replacing ''shall'' with ''may, at his or her discretion,'' allows the Director to determine if a **Federal Register** notice is warranted for an application for renewal on a case-by-case basis. There are two reasons for this action. First, if the application does not address any new safety issues or there have not been any major changes to the facility or its operating procedures that would substantially increase the risk associated with the facility, the Director may decide that a **Federal Register** notice is not necessary. This flexibility allows the NRC to focus its resources on safety issues that have significant potential risk. Second, there is no requirement in the AEA to notice an application for certificate renewal. Furthermore, similar actions for 10 CFR Parts 30, 40, and 70 facilities are not noticed. Adding ''for renewal'' clarifies that the application is specifically for renewal.

In § 76.39, the phrase ''for renewal'' is being inserted after each occurrence of the word ''application.'' This clarifies that the application being discussed in § 76.39 is specifically for renewal.

Section 76.45(a) is being changed to remove the responsibility for making the initial decision on an amendment application from the Director. This change allows the decision to grant or deny an amendment application to be delegated to the branch chief. This action contributes to a more efficient use of NRC resources and is comparable to the process used for facilities regulated by the Commission under 10 CFR Parts 30, 40, and 70.

Section 76.45(b) is being deleted. The first sentence currently requires that the Director determine whether the proposed activities are ''significant'' and, if so, follow the procedures specified in §§ 76.37 and 76.39. This sentence is being deleted because the procedures specified in § 76.37 to be followed by the Director will be discretionary, and the procedures specified in § 76.39 are currently discretionary. Accordingly, it would not be logical to compel the Director to follow either of them. This action eliminates the current distinction between ''significant'' and not significant proposed activities. This action also provides a more flexible and efficient regulatory process. However, the public's opportunity to follow each amendment remains the same because licensing documents are placed in the Commission's Public Document Room, and in the near future, the NRC plans to place these documents on NRC's website. Accordingly, the public will have an opportunity to file a petition for review of an amendment as described in revised § 76.45(d). In addition, the last sentence in § 76.45(b) is being deleted because decisions on certificate amendment applications will be delegated to the branch chief. This delegation is comparable to the process currently used for 10 CFR Parts 30, 40, and 70 facilities.

The current § 76.45(c) is being redesignated as paragraph (b) because the current paragraph (b) is being deleted.

In a new § 76.45(c), the first sentence provides that a certificate amendment will be effective on a date specified by the NRC staff. This allows the NRC staff to handle issues that need to be addressed quickly to avoid an unnecessary operational upset of a GDP, ensure adequate protection of public health and safety from radiological hazards, and/or provide for the common defense and security. The second sentence of § 76.45(c) provides that the NRC staff may, at its discretion, publish a notice of its decision on an amendment application in the **Federal Register**. The NRC staff will take this action when publication of a notice is

warranted on a case-by-case basis. If the application does not address any new safety issues or there have not been any major changes to the facility or its operating procedures that would substantially increase the risk associated with the facility, the NRC staff may decide that a **Federal Register** notice is not necessary. This flexibility allows the NRC to devote its resources to safety issues that have significant potential risk. The AEA does not require that a certificate amendment application be noticed. Furthermore, the Commission does not notice similar actions for 10 CFR Parts 30, 40, and 70 facilities.

Currently, a decision on an amendment application may be appealed by filing a request for the Commission's review. A new § 76.45(d), concerning the NRC staff's determination on an amendment application, establishes procedures for the Corporation, or any person whose interests may be affected, to file a petition for the Director's review. Because the initial determination on a certificate amendment application may be delegated to the branch chief, it is logical for the Director to be the first level of review. This process contributes to a more efficient use of agency resources because an appeal issue may be resolved by the Director and not require the Commission's review.

A new § 76.45(e), concerning the Director's decision, establishes procedures for either the Corporation, or any person whose interests may be affected and who filed a petition for review or filed a response to a petition for review under § 76.45(d), to file a petition for the Commission's review. Because the initial review of an NRC staff determination on an amendment application is rendered by the Director, it is logical for the Commission to be the final level of review.

In revised § 76.62(c), the phrase, ''who submitted written comments in response to the Federal Register notice on the application or compliance plan under § 76.37, or provided oral comments at any meeting held on the application or compliance plan conducted under § 76.39,'' is removed. This action eliminates restrictions that limit those entities who may file a petition requesting review of the Director's decision regarding issuance of a certificate and/or approval of a compliance plan. Eliminating these restrictions is consistent with the Commission's practice for 10 CFR Parts 30, 40, and 70 facilities. Further, if a Federal Register notice is not issued for a certificate renewal, a notice of the Director's decision will provide the first published opportunity for a person whose interest may be affected to be aware of the action.

The number of days specified in § 76.62(c) is being increased from 15 to 30 days. This provides more time for the Corporation or other members of the public whose interests may be affected to file a petition for review on a certificate renewal action. Because the time period for a certificate renewal was recently extended from annually to up to 5 years, the need to act within 15 days because of the time constraint formerly associated with annual renewals is removed.

The sentence, ''Unless the Commission grants the petition for review or otherwise acts within 60 days after the publication of the **Federal Register** notice, the Director's initial decision on the certificate application or compliance plan becomes effective and final,'' is being revised to read: ''If the Commission does not issue a decision or take other appropriate action within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect.'' This change clarifies that the Director's decision is effective upon issuance and, if a petition for review is filed, eliminates a potential 60-day suspension of the effectiveness of the Director's decision. The Director's decision remains in effect unless it is changed by the Commission. This procedure is also more consistent with the process for license renewals pursuant to 10 CFR Parts 30, 40, and 70. In addition, to accommodate the increased time for both filing a petition for review and responding to a petition, the time provided for the Commission to act is being increased from 60 to 90 days following publication of the **Federal Register** notice.

The changes made in § 76.62(c) are also being made in § 76.64(d) for the same reasons.

In the introductory text of § 76.91, reference to § 76.35(d) is being changed to § 76.35(f) to correct a typographical error.

In addition, Part 76 is being modified to remove references to the initial certification application or initial certification decision that are no longer relevant because the initial certificates have been issued. In §§ 76.33(a)(1), (b), (c), (d), and (e), and 76.35, references to ''initial'' are being removed. Section 76.9(c) is being removed as no longer relevant because the condition of effectiveness at the time of the initial certification application has been satisfied. Phrases in §§ 76.21(a), 76.36(a), 76.60(e)(2), and 76.91(n) concerning initial certification are being removed. References in §§ 76.7(e)(1), 76.60(c)(2), 76.60(d)(2), and 76.60(e)(1) to the NMSS Director's decision on the initial certificate are also being removed.

Section 76.33 is being amended to correct a printing error in the regulatory text. In § 76.33(a)(2), the redundant phrase ''the names, addresses, and citizenship of its principal office,'' is being removed.

Compatibility of Agreement State Regulations

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' that was approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), Part 76 is classified as compatibility Category ''NRC''. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA or provisions of Title 10 of the Code of Federal Regulations.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the government's writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). In complying with this directive, editorial changes have been made in the final revisions to improve the organization and readability of the existing language of the paragraphs being revised. These types of changes are not discussed further in this notice.

Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires that agencies use technical standards that are developed or adopted by voluntary consensus standard bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is amending the regulations governing the gaseous diffusion plants to modify the process used to renew or amend a certificate of compliance. The amended regulations are procedural and apply to a specific entity. Therefore, this action does not establish a technical standard of generally applicable requirements.

Environmental Impact: Categorical Exclusion

The NRC has determined that this regulation is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

The information collection requirements contained in this final rule of limited applicability affect fewer than ten respondents. Therefore, Office of Management and Budget approval is not required pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

This final rule modifies the process for certificate renewals, establishes a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revises the appeal process for amendments, eliminates the ''significant'' designation for amendments, simplifies the criteria for persons who are eligible to file a petition for review of an amendment action, removes references to the initial application because the initial certificates have been issued, and lengthens the time periods associated with filing a petition for review.

Part 76 contains a process for amending a certificate and the GDP certificates have been amended several times. These actions identified several deficiencies in the § 76.45 process that should be corrected. The NRC staff examined how the process could be revised and improved so that it is more effective and efficient. The amendment process for GDP certificates as modified by this final rule parallels the process currently used for 10 CFR Parts 30, 40, and 70 facilities. This final rule also removes the ambiguity associated with determining who can petition the NRC for review of an amendment application decision.

Because the statute has been amended to allow up to a 5-year certificate renewal period instead of an annual certificate renewal requirement, the lengthened certificate period has permitted consideration of improvements to the certificate renewal process. Because the annual certification time constraint has been removed, the final rule makes appropriate changes to the time for appeals and lifts restrictions on who may appeal a certification decision. As a result, the certificate renewal process more closely resembles the process for renewal of materials and fuel cycle facility licenses under 10 CFR Parts 30, 40, and 70.

A no-change option retains the deficiencies and ambiguities identified in the current certification renewal and amendment processes and precludes an improved process that is more effective and efficient.

Impacts on the Corporation

An uncomplicated certificate amendment process provides a more timely regulatory process. If the identified deficiencies and ambiguities in the amendment process are not corrected, there is a potential for expense due to plant operational delays and reduced efficiencies that may be related to amendment requests.

Clarification of who can petition the Director for review of an NRC staff determination on an amendment application and/or extension of the period for requesting a review may result in additional petitions. Similarly, lifting restrictions on who can petition for review of a certification renewal decision and lengthening the time for this type of petition may result in additional petitions. This rulemaking is not expected to have any adverse economic impacts on the Corporation.

Benefit

An uncomplicated process for certificate amendment will result in a more effective and efficient NRC review process. This, in turn, provides for more timely completion of amendment reviews. Clarification of who can petition the Director for review of a certificate amendment determination will remove undesirable ambiguities. Specifically, the final rule removes a restriction on who can petition for review by eliminating the current requirement that a petition for review may only be filed by a person who had previously provided comments. The final rule will allow anyone whose interests may be affected to file a petition for review. The extension of the time periods associated with filing a petition for review provides more time for the public to participate in the amendment process. The final rule also removes the same restrictions on who may petition for review of a certification renewal decision and extends the time period for accepting petitions for review of a certification renewal decision. The final rule also provides for NRC staff discretion in publishing the **Federal Register** notice of receipt of the application for Certificate renewal. This discretion permits the NRC staff to use its resources in the most effective and efficient manner.

Preferred Option

The preferred option is amending the regulations to eliminate ambiguities, reduce inefficiencies, better define the processes for certificate renewals and amendments, allow immediately effective amendments, and allow more time for public participation, while continuing to ensure adequate protection of public health and safety.

This constitutes the regulatory analysis for the final rule.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this final rule does not have a significant economic impact on a substantial number of small entities because it only addresses USEC or its successor. The Corporation does not fall within the scope of the definition of ''small entities'' set forth in 10 CFR 2.810 or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 76.76. Therefore, a backfit analysis is not required for this final rule.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 76

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR Part 76.

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

1. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, secs. 1312, 1701, as amended, 106 Stat. 2932, 2951, 2952, 2953, 110 Stat. 1321–349 (42 U.S.C. 2201, 2297b–11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846); sec. 234(a), 83 Stat. 444, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(a)).

Sec. 76.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec.

76.22 is also issued under sec. 193(f), as amended, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(f)). Sec. 76.35(j) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

2. In § 76.7, paragraph (e)(1) is revised to read as follows:

§ 76.7 Employee protection.

* * * * *

(e)(1) The Corporation shall prominently post the revision of NRC Form 3, ''Notice to Employees,'' referenced in 10 CFR 19.11(c). This form must be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted during the term of the certificate and for 30 days following certificate termination.

* * * * *

§ 76.9 [Amended]

3. In § 76.9, paragraph (c) is removed.

4. In § 76.21, paragraph (a) is revised to read as follows:

§ 76.21 Certificate required.

(a) The Corporation or its contractors may not operate the gaseous diffusion plants at Piketon, Ohio, and Paducah, Kentucky, unless an appropriate certificate of compliance, and/or an approved compliance plan is in effect under this part. Unless authorized by the NRC under other provisions of this chapter, a person other than the Corporation or its contractors may not acquire, deliver, receive, possess, use, or transfer radioactive material at the gaseous diffusion plants at Piketon, Ohio, and Paducah, Kentucky.

* * * * *

5. Section 76.33 is revised to read as follows:

§ 76.33 Application procedures.

(a) *Filing requirements.* (1) An application for a certificate of compliance must be tendered by filing 20 copies of the application with the Director, Office of Nuclear Material Safety and Safeguards, with copies sent to the NRC Region III Office and appropriate resident inspector, in accordance with § 76.5.

(2) The application must include the full name, address, age (if an individual), and citizenship of the applicant. If the applicant is a corporation or other entity, the application must indicate the State where it was incorporated or organized; the location of the principal office; and the names, addresses, and citizenship of its principal officers. The applicant shall include any known information concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

(b) *Oath or affirmation.* An application for a certificate of compliance must be executed in a signed original by a duly authorized officer of the Corporation under oath or affirmation.

(c) *Pre-filing consultation.* The Corporation may confer with the Commission's staff before filing an application.

(d) *Additional information.* At any time during the review of an application, the Corporation may be required to supply additional information to the Commission's staff to enable the Commission or the Director, as appropriate, to determine whether the certificate should be issued or denied, or to determine whether a compliance plan should be approved.

(e) *Withholdable information.* If an application contains Restricted Data, National Security Information, Safeguards Information, Unclassified Controlled Nuclear Information, proprietary data, or other withholdable information, the applicant shall ensure that the withholdable information is separate from the information to be made publicly available.

6. In § 76.35, the section heading and introductory paragraph are revised to read as follows:

§ 76.35 Contents of application.

The application for a certificate of compliance must include the information identified in this section.

* * * * *

7. In § 76.36, paragraph (a) is revised to read as follows:

§ 76.36 Renewals.

(a) The Corporation shall file periodic applications for renewal, as required by § 76.31.

* * * * *

8. Section 76.37 is revised to read as follows:

§ 76.37 Federal Register notice.

The Director may, at his or her discretion, publish in the **Federal Register**:

(a) A notice of the filing of an application for renewal (specifying that copies of the application, except for Restricted Data, Unclassified Controlled Nuclear Information, Classified National Security Information, Safeguards Information, Proprietary Data, or other withholdable information will be made available for public inspection in the Commission's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC, and in the local public document room at or near the location of the plant);

(b) A notice of opportunity for written public comment on the application for renewal; and

(c) The date of any scheduled public meeting regarding the application for renewal.

9. In § 76.39, paragraph (a), and paragraphs (b)(1) and (b)(4) are revised to read as follows:

§ 76.39 Public meeting.

(a) A public meeting will be held on an application for renewal if the Director, in his or her discretion, determines that a meeting is in the public interest with respect to a decision on the application for renewal.

(b) * * *.

(1) The Director shall conduct any public meeting held on the application for renewal.

* * * * *

(4) Members of the public will be given an opportunity during a public meeting to make their views regarding the application for renewal known to the Director.

* * * * *

10. Section 76.45 is revised to read as follows:

§ 76.45 Application for amendment of certificate.

(a) *Contents of an amendment application.* In addition to the application for certification submitted under § 76.31, the Corporation may at any time apply for an amendment of the certificate to cover proposed new or modified activities. The amendment application should contain sufficient information for the NRC to make findings of compliance or acceptability for the proposed activities in the same manner as was required for the original certificate.

(b) *Oath or affirmation.* An application for an amendment of the certificate of compliance must be executed in a signed original by the Corporation under oath or affirmation.

(c) *Amendment application determinations.* If the NRC staff approves an application for a certificate amendment, it will be effective on a date specified by the NRC staff. If an application for a certificate amendment is not approved by the NRC staff, the Corporation will be informed in writing. The NRC staff may, at its discretion, publish notice of its determination on an amendment application in the **Federal Register**.

(d) *Request for review of staff's determination on an amendment application.* The Corporation, or any person whose interest may be affected,

may file a petition requesting the Director's review of an NRC staff determination on an amendment application. A petition requesting the Director's review may not exceed 30 pages and must be filed within 30 days after the date of the NRC staff's determination. Any person described in this paragraph may file a written response to a petition requesting the Director's review. This response may not exceed 30 pages and must be filed within 15 days after the filing date of the petition requesting the Director's review. The Director may adopt, modify, or set aside the findings, conclusions, conditions, or terms in the NRC staff's amendment determination by providing a written basis for the action. If the Director does not issue a decision or take other appropriate action within 60 days after receiving the petition for review, the NRC staff's determination on the amendment application remains in effect.

(e) *Request for review of a Director's decision.* The Corporation, or any person whose interest may be affected and who filed a petition for review or filed a response to a petition for review under § 76.45(d), may file a petition requesting the Commission's review of a Director's decision on an amendment application.

(1) A petition requesting the Commission's review may not exceed 30 pages and must be filed within 30 days after the date of the Director's decision. A petition requesting the Commission's review may be either:

(i) Delivered to the Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(ii) Sent by mail or telegram to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

(2) Any person described in paragraph (e) of this section may file a written response to a petition requesting the Commission's review. This response may not exceed 30 pages and must be filed within 15 days after the filing date of the petition requesting the Commission's review.

(3) The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision. The Commission may adopt, modify, or set aside the findings, conclusions, conditions, or terms in the Director's amendment review decision and will state the basis of its action in writing. If the Commission does not issue a decision or take other appropriate action within 90 days after receiving the petition for review, the Director's decision, under § 76.45(d), on the amendment application remains in effect.

11. In § 76.60, paragraphs (c)(2), (d)(2), (e)(1), and (e)(2) are revised to read as follows:

§ 76.60 Regulatory requirements which apply.

* * * * *

(c) * * *

(2) The Corporation shall post NRC Form 3 during the term of the certificate and for 30 days following certificate termination.

(d) * * *

(2) The Corporation shall comply with the requirements in this part or as specified in an approved plan for achieving compliance.

(e) * * *

(1) The Corporation shall comply with the requirements in §§ 21.6 and 21.21.

(2) Under § 21.31, procurement documents issued by the Corporation must specify that the provisions of 10 CFR Part 21 apply.

* * * * *

12. In § 76.62, paragraph (c) is revised to read as follows:

§ 76.62 Issuance of certificate and/or approval of compliance plan.

* * * * *

(c) The Corporation, or any person whose interest may be affected, may file a petition, not to exceed 30 pages, requesting review of the Director's decision. This petition must be filed with the Commission not later than 30 days after publication of the **Federal Register** notice. Any person described in this paragraph may file a response to any petition for review, not to exceed 30 pages, within 15 days after the filing of the petition. If the Commission does not issue a decision or take other appropriate action within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect. The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision.

* * * * *

13. In § 76.64, paragraph (d) is revised to read as follows:

§ 76.64 Denial of certificate or compliance plan.

* * * * *

(d) The Corporation, or any person whose interest may be affected, may file a petition for review, not to exceed 30 pages, requesting review of the Director's decision. This petition for review must be filed with the Commission not later than 30 days after publication of the **Federal Register** notice. Any person described in this paragraph may file a response to any petition for review, not to exceed 30 pages, within 15 days after the filing of the petition for review. If the Commission does not issue a decision or take other appropriate action within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect. The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision.

* * * * *

14. In § 76.91, the introductory paragraph and paragraph (n) are revised to read as follows:

§ 76.91 Emergency planning.

The Corporation shall establish, maintain, and be prepared to follow a written emergency plan. The emergency plan submitted under § 76.35(f) must include the following information:

* * * * *

(n) Comment from offsite response organizations. The Corporation shall allow the offsite response organizations that are expected to respond in case of an accident 60 days to comment on the emergency plan before submitting it to NRC. The Corporation shall provide any comments received within the 60 days to the NRC with the emergency plan.

* * * * *

Dated at Rockville, Maryland, this 11th day of August, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99–21306 Filed 8–16–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–204–AD; Amendment 39–11254; AD 99–17–05]

RIN 2120–AA64

Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is

applicable to certain Israel Aircraft Industries Model Astra SPX series airplanes. This action requires repetitive inspections to detect cracking of the main fuel tube assemblies of the left and right engines, and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct fuel line fractures, which could result in in-flight engine shutdowns or an increased risk of engine nacelle fires.

DATES: Effective September 1, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 1, 1999.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–204–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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: The Civil Aviation Administration of Israel (CAAI), which is the airworthiness authority for Israel, recently notified the FAA that an unsafe condition may exist on certain Israel Aircraft Industries Model Astra SPX series airplanes. The CAAI advises that cracking of the main fuel tube assembly on the left engine was found at the base of the ''T'' joint weld (fuel pressure switch boss), which resulted in fuel leakage on one occasion. Such cracking may be caused by excessive vibration of the tube-mounted fuel pressure switch. This condition, if not corrected, could result in fuel line fractures and consequent in-flight engine shutdowns or an increased risk of engine nacelle fires.

Explanation of Relevant Service Information

Israel Aircraft Industries has issued Astra Alert Service Bulletin 1125–73A–191, dated April 2, 1999, which describes procedures for a repetitive fluorescent penetrant inspection to detect cracking of the main fuel tube assemblies of the left and right engines, and corrective action, if necessary. The CAAI classified this alert service bulletin as mandatory and issued Israeli airworthiness directive 73–99–07–05, dated July 11, 1999, in order to assure the continued airworthiness of these airplanes in Israel.

FAA's Conclusions

This airplane model is manufactured in Israel and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of 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, this AD is being issued to detect cracking of the main fuel tube assemblies of the left and right engines, which could result in fuel line fractures and consequent inflight engine shutdowns or an increased risk of engine nacelle fires. This AD requires accomplishment of the actions specified in the alert service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–204–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency

regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–17–05 **Israel Aircraft Industries, Ltd.:** Amendment 39–11254. Docket 99–NM–204–AD.

Applicability: Model Astra SPX series airplanes, serial numbers 089 through 115 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 detect and correct cracking of the main fuel tube assemblies of the left and right engines, which could result in fuel line fractures and consequent in-flight engine shutdowns or an increased risk of engine nacelle fires, accomplish the following:

Repetitive Inspections and Corrective Action

(a) Within 5 hours time-in-service after the effective date of this AD: Perform a fluorescent penetrant inspection to detect cracking of the main fuel tube assemblies of the left and right engines around the bases of the ''T'' joint welds of the pressure transmitter tubes, in accordance with Astra Alert Service Bulletin 1125–73A–191, dated April 2, 1999. Repeat the inspection thereafter at intervals not to exceed 25 hours time-in-service. If any crack is detected during any inspection required by this paragraph, prior to further flight, replace the fuel tube assembly with a new or serviceable part, in accordance with the alert service bulletin.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with 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.

Incorporation by Reference

(d) The actions shall be done in accordance with Astra Alert Service Bulletin 1125–73A–191, dated April 2, 1999. 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 from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Israeli airworthiness directive 73–99–07–05, dated July 11, 1999.

(e) This amendment becomes effective on September 1, 1999.

Issued in Renton, Washington, on August 6, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20878 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM99–11–000]

Annual Update of Filing Fees

August 11, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; annual update of Commission filing fees.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees. This notice provides the yearly update using data in the Commission's Payroll Utilization Reporting System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 1998.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Troy Cole,Office of Finance, Accounting and Operations,Federal Energy Regulatory Commission, 888 First Street, NE, Room 42–80,Washington, DC 20426,202–219–2970.

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

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Home Page (http://www.ferc.fed.us) using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII, WordPerfect 6.1 and WordPerfect 8.0 format. User assistance is available at 202–208–2222 or by E-mail to CipsMaster@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's

Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to RimsMaster@ferc.fed.us.

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

The Federal Energy Regulatory Commission (Commission) is issuing this notice to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to § 381.104 of the Commission's regulations, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 1998 costs. The adjusted fees announced in this notice are effective September 16, 1999. The Commission has determined with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this final rule is not a major rule within the meaning of section 251 of Subtitle E of SBREFA. [5 U.S.C. § 804(2)] The Commission is submitting this final rule to both Houses of Congress and to the Comptroller General.

The new fee schedule is as follows:

FEES APPLICABLE TO THE NATURAL GAS POLICY ACT	
1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403)	$7,320
FEES APPLICABLE TO GENERAL ACTIVITIES	
1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a))	14,710
2. Review of a Department of Energy remedial order: Amount in controversy	
$0–9,999. (18 CFR 381.303(b))	100
$10,000–29,999. (18 CFR 381.303(b))	600
$30,000 or more. (18 CFR 381.303(a))	21,470
3. Review of a Department of Energy denial of adjustment: Amount in controversy	
$0–9,999. (18 CFR 381.304(b))	100
$10,000–29,999. (18 CFR 381.304(b))	600
$30,000 or more. (18 CFR 381.304(a))	11,260
4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a))	4,220
FEES APPLICABLE TO NATURAL GAS PIPELINES	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b))	1,000
FEES APPLICABLE TO COGENERATORS AND SMALL POWER PRODUCERS	
1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a))	12,650
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a))	14,320
3. Applications for exempt wholesale generator status. (18 CFR 381.801)	1,460

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

Thomas R. Herlihy,

Executive Director and Chief Financial Officer.

In consideration of the foregoing, the Commission amends Part 381, Chapter I, Title 18, Code of Federal Regulations, *as set forth below.*

PART 381—FEES

1. The authority citation for Part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 381.302 [Amended]

2. In § 381.302, paragraph (a) is amended by removing ''$14,360'' and inserting ''$14,710'' in its place.

§ 381.303 [Amended]

3. In § 381.303, paragraph (a) is amended by removing ''$20,960'' and inserting ''$21,470'' in its place.

§ 381.304 [Amended]

4. In § 381.304, paragraph (a) is amended by removing ''$10,990'' and inserting ''$11,260'' in its place.

§ 381.305 [Amended]

5. In § 381.305, paragraph (a) is amended by removing ''$4,120'' and inserting ''$4,220'' in its place.

§ 381.403 [Amended]

6. Section 381.403 is amended by removing ''$7,140'' and inserting ''$7,320'' in its place.

§ 381.505 [Amended]

7. In § 381.505, paragraph (a) is amended by removing ''$12,340'' and inserting ''$12,650'' in its place and by removing ''$13,970'' and inserting ''$14,320'' in its place.

§ 381.801 [Amended]

8. Section 381.801 is amended by removing ''$1,620'' and inserting ''$1,460'' in its place.

[FR Doc. 99–21280 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 96N–0144]

Over-the-Counter Drug Products Containing Colloidal Silver Ingredients or Silver Salts

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that all over-the-counter (OTC) drug products containing colloidal silver ingredients or silver

salts for internal or external use are not generally recognized as safe and effective and are misbranded. FDA is issuing this final rule because many OTC drug products containing colloidal silver ingredients or silver salts are being marketed for numerous serious disease conditions and FDA is not aware of any substantial scientific evidence that supports the use of OTC colloidal silver ingredients or silver salts for these disease conditions.

DATES: This regulation is effective September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Bradford W. Williams, Center for Drug Evaluation and Research (HFD–310), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–0063.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 15, 1996 (61 FR 53685), FDA published a proposed rule to declare that all OTC drug products containing colloidal silver ingredients or silver salts are not generally recognized as safe and effective, and are new drugs and misbranded within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). Colloidal silver is a suspension of silver particles in a colloidal base. In recent years, colloidal silver preparations of unknown formulation have been appearing in retail outlets. These products are labeled for numerous disease conditions, many of which are serious diseases. The dosage form of these colloidal silver products is usually oral, but product labeling also contains directions for topical and, occasionally, intravenous use.

FDA has not approved a new drug application (NDA) for any colloidal silver product. None of the silver salts evaluated as part of FDA's OTC drug review was found to be generally recognized as safe and effective for its intended use(s). FDA is not aware of any substantial scientific evidence that supports the use of OTC colloidal silver ingredients or silver salts for disease conditions. The agency invited any interested parties to collect and submit any existing data and information that support the safety and effectiveness of colloidal silver ingredients or silver salts for any of the uses not already evaluated under the OTC drug review. Interested persons were invited to submit written comments on the proposed regulation and on the agency's economic impact determination by January 13, 1997.

In response to the proposal, the agency received 251 responses. Copies of these comments are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Additional information that has come to the agency's attention since publication of the proposal is also on public display in the Dockets Management Branch.

Based on the information set forth in the proposed rule, and after consideration of the information submitted by the public comments (as summarized as follows), FDA is declaring that all OTC drug products containing colloidal silver ingredients or silver salts are not generally recognized as safe and effective, and are new drugs and misbranded within the meaning of section 201(p) of the act. Adequate safety and effectiveness data have not been provided to establish general recognition of the safety and effectiveness of colloidal silver or silver salt ingredients for any OTC drug uses. The data submitted did not include the required absorption, metabolism, tissue distribution, accumulation, excretion, and pharmacodynamics (effect of the drug at its action site) of silver in the body, both when taken internally and applied externally, and of the effect of the particle size of the silver on these systemic effects.

FDA is amending subpart E of part 310 (21 CFR part 310) to add § 310.548 for OTC drug products containing colloidal silver ingredients or silver salts. The agency has expanded proposed § 310.548(a) to include some additional silver ingredients.

II. Public Comments and the Agency's Response

A. General Comments

1. Many comments agreed with the proposed rule. One of these comments cautioned against the dangers of using untested drugs and recalled that Laetrile misled unsuspecting people in search of a quick cancer cure. Another comment provided personal experience as a victim of argyria who had been disfigured for 40 years as a result of using colloidal silver. This comment included an excerpt from a book that recorded 114 cases of argyria compiled in the 1930's. The comment contended that many marketers of colloidal silver deny the potential for harm and often misquote or distort the historical articles dealing with these products.

A physician, who was formerly a pharmacist, recounted his own experience in reviewing cases of argyria. The victims had ingested silver products in the 1940's and 1950's. The physician was concerned that a product that does not have any rational use would lead to the redevelopment of argryia as a clinical problem. Another physician/ophthalmologist commented that colloidal silver is dangerous quackery.

The agency appreciates these comments in support of its proposal.

B. Comments on Safety and Effectiveness

2. One comment expressed concern that many different silver products being marketed are inferior products and are not even true colloids. Another comment stated that the vast majority of silver products being sold are fraudulent products. The comment noted that it had tested a number of these products and found that several actually had no silver content, one did not contain the silver particle size as stated on the label, and only one product exceeded all stated purity and stability claims found on the label. The comment added that many of the products were only duplicates of older colloidal silver products. The comment considered these ''newer'' products as having the same dangers, intermittent effectiveness, and lack of stability as the older products. The comment contended that the vast majority of the colloidal silver products it tested are totally useless, some were dangerous to ingest, and some were possibly a threat to life. The comment stated that it is a major problem to keep off the market these so-called ''colloidal silver'' products that contain significant amounts of silver ions and silver salts. The comment suggested a revision of the United States Pharmacopeia (USP) specifications for these products.

Another comment stated that many of the colloidal silver products it analyzed are considered ''Bredig Sols'' (simple colloidal silver), referring to Bredig, Heidelberg, 1893. The comment added that a pure Bredig Sol is simply elemental silver in distilled water, while some Bredig Sols are mixed with saline to make them isotonic. The comment mentioned that the silver content in these products (a viable product could contain 0.005 percent silver) is many magnitudes less than the silver content of the products discussed by FDA in its safety and effectiveness evaluation (61 FR 53685 at 53686). The comment contended that the agency had not reviewed the Bredig Sols and disagreed with the agency's assumptions that there is an analogous comparison between colloidal silver proteins and other silver compounds to a simple Bredig Sol.

These comments highlight the existing problems in trying to establish whether any silver salts or colloidal silver ingredients can be generally recognized as safe and effective. Because of the acknowledged differences in silver content and particle size of the silver in various products, it is difficult to draw conclusions from clinical studies conducted on different silver products. The agency has minimal manufacturing controls information on these products. The agency does not have information that assures the strength, quality, purity, and potency of various silver products used in clinical studies and other reports included in the comments.

Concerning the comment suggesting a revision of USP specifications, the proposed rule stated that none of the formerly recognized colloidal silver preparations (e.g., colloidal silver iodide, strong (or mild) silver protein, ammoniacal silver nitrate solution) has been official in the USP or the National Formulary (N.F.) since 1975. It is industry's responsibility to have these silver ingredients reinstated in the USP or N.F. and to revise the specifications used in the former compendial monographs. Concerning ''Bredig Sols,'' the comment did not provide any specific safety and effectiveness data; thus, the agency is not able to establish that such products are generally recognized as safe and effective.

3. Several comments submitted information purporting to support the safety of colloidal silver and other silver ingredients. The comments contended that silver is nontoxic and has minimal side effects. One comment stated that silver is poorly absorbed and not readily retained in the body when taken orally. Another comment stated that colloidal silver is harmless to the liver, kidneys, other internal organs, human enzymes, and the eyes; contains no free radicals; and has no reaction with other medications. Several comments mentioned that argyria, a blue skin discoloration resulting from prolonged administration of silver compounds and accumulation in the body, is the main side effect that occurs. One comment explained that argyria occurs because a small amount of the silver compound is absorbed and deposited in the skin, where it is reduced by light to metallic silver; the resulting skin discoloration persisting almost indefinitely, although there are no associated toxic effects. The comment contended that colloidal silver is the only known form of silver that is not deposited under the skin even with large doses. Another comment added that most of the reported cases of argyria resulted from the use of silver nitrate, various ionic silver salts, or highly concentrated mild silver protein. The comment concluded that the dilute, mild silver protein products marketed today are similar to pre-1938 colloidal silver solutions and do not cause argyria. The comment also discussed the levels of silver in the majority of silver products marketed today and indicated that the amount of silver ingested from these products and the diet are within the Environmental Protection Agency's maximum daily exposure reference dose of 350 micrograms per day for a 70 kilogram (kg) adult.

Another comment presented the results of several animal (rat) studies involving acute or chronic administration of various amounts of colloidal silver (mild silver protein in colloidal suspension), approximately 1,500 parts per million (ppm), either by intravenous (IV) injection or in drinking water. The IV studies included an initial acute dose finding study followed by a chronic study (0.15 or 0.015 milligram (mg) per 1 milliliter (mL)). Two groups of four rats received each dosage; two rats served as controls and received 1 mL of physiological saline solution. Each rat received a total of 12 injections. The investigator reported that no abnormal clinical or behavioral signs were observed after 12 days of treatment. In another followup chronic IV rat study, three rats were injected with 1,500 ppm colloidal silver three times per week for 4 weeks (a total of 18 mg per 300 gram (g) rat), and three rats served as controls. All treated and control rats were weighed at the time of injection. At the completion of the study, there were no differences in body weight and no clinical signs or gross pathologic changes between the treated and control groups. The drinking water study involved 15 rats fed 1.5 ppm mild silver protein solution in their drinking water for 40 days. The rats showed no clinical signs of gross pathological changes at the end of the treatment period. Three rats received regular drinking water and served as controls. The investigator stated that the data do not provide information about the metabolic fate of the silver, but support safety if extrapolated to humans because a 60-kg person would have to be given 3,600 mg to receive an amount equivalent to the rats' highest dose (18 mg/300 g rat).

The agency does not consider this information adequate to establish general recognition of the safety of silver salts or colloidal silver ingredients for OTC drug use. The comments themselves indicate that ionic silver salts and highly concentrated mild silver protein clearly are not safe for OTC use. The animal data indicate that mild silver protein in colloidal suspension at low concentrations may be safe in rats when administered in specific concentrations for up to 40 days. Additional data are needed in humans on the absorption, metabolism, tissue distribution, accumulation, excretion, and pharmacodynamics of silver in the body, both when taken internally and applied externally, and of the effect of the particle size of the silver on these systemic effects. The agency concludes that a full pharmacologic profile that is relevant to human use is needed.

4. Several comments submitted information purporting to support the effectiveness of colloidal silver and other silver ingredients. One comment provided a partial list of the more than 650 diseases that colloidal silver has been used against and included a number of testimonials. Another comment stated that silver will kill 650 disease organisms, but it does not cure 650 diseases. The comment added that a Bredig Sol of silver at 30 ppm is an effective germicide for both gram-positive and gram-negative bacteria, fungi, yeasts, and viruses. Another comment noted the antimicrobial and bacteriostatic effects of diluted colloidal silver protein solutions. One comment provided a number of case reports involving the use of a colloidal silver (200 ppm) suspension with protein and distilled water and a mild silver protein cream to treat various conditions (e.g., rash, pain, and sore gums).

Another comment, from a physician, described a double-blind clinical study that he conducted using a commercial colloidal silver product (concentration not provided) in 22 men ages 50 to 82, with a mean age of 61.9 years. The physician obtained a brief medical history from each man and did a rectal examination. The men reported that nocturia (frequency of urination) ranged from one to five times a night. The physician assumed that the men had benign prostatic hypertrophy because of their age and the onset of symptoms in recent years. Of the 22 men, 15 took colloidal silver and 7 took placebo (colored water). The dose was 1 teaspoon (tsp) of the products morning and evening, and the duration of the study was from 19 to 23 days, with one exception of 10 days for a late entry. At the end of the study, four men (all on the colloidal silver) reported considerable improvement in the nocturia, with a reduction from 2 to 4 times to 1 time each night, while six other men (five on the colloidal silver) noted some improvement in the nocturia. Two men with a history of

transurethral resection of the prostate, who were on the colloidal silver, did not report any improvement.

Subsequently, all of the men continued on colloidal silver (1 tsp daily) for the next 8 weeks. The men were interviewed after about 4 more weeks, and each completed an American Urological Association (AUA) Symptom Index representing symptoms at the time of the interview. The men also completed an AUA index representing symptoms before starting the colloidal silver. The AUA index is based on answers to seven questions, graded from 0 (not at all) to 5 (almost always), with the score being a sum of the answers to the questions. The one man who reported improvement on placebo reported marked improvement on the colloidal silver, with his nocturia decreasing from 2 to 3 times to 1, and occasionally 0, time each night. His AUA index was 9+ at the beginning and improved to a 3 at the last interview. One man moved, and a followup was not obtained. Of the remaining 21 men, 16 reported improvement of varying degrees. All reported decreased nocturia, with five men recording an improvement of 2 or less on the AUA index and nine men reporting an improvement of 3 to 10 on the AUA index. One man reported that he had been taking a prescription drug for benign prostatic hypertrophy before starting the colloidal silver. The last two men had improvements of 14 and 18 on the AUA index, with nocturia decreasing by 3 and 2 times, respectively. Five men reported no improvement during the study. Two of these men had a history of transurethral resection of the prostate, one had been taking a prescription drug for this condition for the past 6 months and his nocturia had already improved to 1 time each night, and the other two had been having symptoms for 6 and 15 years, respectively, and had an enlarged prostate when the study began. The physician noted that because the four men with a tender prostate improved, it was reasonable to suggest that the beneficial action of the colloidal silver was due to its antibacterial activity. He hypothesized that there may be some subclinical prostatitis in many men with benign prostatic hypertrophy, and this might explain why the colloidal silver resulted in a remarkable reduction in the men's symptoms. The physician concluded that the results of this study merit further investigation by the medical community.

The physician also commented on some other observations from about 50 men who had taken colloidal silver (most for symptoms of prostatism) under his direction before, during, and after the study (a period of about 6 months). Six noted clearing of acne or other infectious lesions of the skin, three reported improvement of mucus in the throat and associated cough of long duration, two indicated that irritation around the anus had cleared, one stated that he had no summer colds for 3 months (which was unusual for him), eight reported improvement in nasal discharge and sinus trouble (especially when using colloidal silver in a nasal spray), two noted a reduction in upset stomach and abdominal pain, and two reported that their sexual enjoyment and performance had improved. The physician concluded that these observations suggested some areas that needed to be investigated further.

The agency finds that the previous studies are not adequate and well-controlled clinical studies of the type described in § 314.126 (21 CFR 314.126) that need to be conducted. The studies have major methodic flaws. There needs to be a clear statement of the objectives of the investigation and a protocol containing a specific study design, the method of subject selection (with inclusion and exclusion criteria), the method of assigning subjects to treatment and control groups, well-defined methods for measuring the subjects' responses, and methods for analysis of the study results. Adequate measures need to be taken to minimize bias on the part of the subjects, observers, and analysts of the data, which is done by adequate blinding. The agency is unable to determine the adequacy of the blinding in the physician's study because the placebo was described as ''colored water.'' The agency is not able to ascertain the degree of similarity or difference that existed in the appearance of the colloidal silver product and the placebo to determine how well the study was blinded. The studies need replication by other investigators and need to follow § 314.126. Likewise, the conditions described in the case reports provided by one comment need to be studied in adequate and well-controlled clinical trials. Finally, the information that silver will kill 650 disease organisms and that a Bredig Sol of silver at 30 ppm is an effective germicide for both gram-positive and gram-negative bacteria, fungi, yeasts, and viruses needs to be related to in vivo treatment for specific disease conditions. The agency concludes that the data and information submitted are not sufficient to establish general recognition of effectiveness for colloidal silver or other silver ingredients for any specific OTC condition.

C. The Grandfather Clauses of the Act

5. One comment claimed that the silver products marketed today are the same as the more dilute mild silver protein products marketed pre-1938 that did not cause argyria. The comment made the following recommendation: FDA should set guidelines of the acceptable levels of the solutions and the dosage based on current EPA safety standards and what was available pre-1938, so that a ''grandfathered'' standard is implemented. Another comment stated that not approving its colloidal silver product as a grandfathered colloidal silver would be to deprive the public of the use of an extremely safe and effective product already in use for 4 years.

The ''grandfather exemption'' was discussed in detail in the proposed rule (61 FR 53685 to 53686). None of the comments provided any evidence to show that the composition and the labeling of colloidal silver or silver salt drug products have remained unchanged since 1938 or 1962. Without such evidence, the products cannot qualify for either grandfather exemption, and there is no need to set any guidelines as requested by one comment.

D. Freedom of Choice

6. A number of comments included individual testimonials or expressions of belief that colloidal silver benefited their health and that of their family members or friends. A few comments mentioned benefits experienced by pets. Many of the comments stated that the proposed rule would deny them the freedom of choice to select their own drugs.

FDA's statutory mandate includes protection and promotion of the public health by ensuring that drugs are not only safe but also effective for their intended use. The Commissioner of Food and Drugs' decision on the status of Laetrile, published in the **Federal Register** of August 5, 1977 (42 FR 39788), expresses the agency's position on freedom of choice with respect to ensuring that drugs are not only safe, but also effective. That statement reads in part:

> In passing the 1962 Amendments to the act—the amendments that require that a drug be proved effective before it may be marketed—Congress indicated its conclusions that the absolute freedom to choose an ineffective drug was properly surrendered in exchange for the freedom from the danger to each person's health and well-being from the sale and use of worthless drugs * * *. To the extent that any freedom

has been surrendered by the passage of the legislation which bans from the marketplace drugs that have not been proven to be effective, that surrender was a rational decision which has resulted in the achievement of a greater freedom from the dangers to health and welfare represented by such drugs.

Agency regulations in 21 CFR 330.10(a)(4)(ii) state that the standards for effectiveness for an OTC drug that is generally recognized as effective include a requirement for controlled clinical investigations. Isolated case reports, random experience, and reports lacking the details that permit scientific evaluation are not considered adequate to establish effectiveness. Testimonials from consumers cannot be considered as adequate proof of effectiveness or safety. None of the comments presented any evidence of safety or effectiveness beyond personal experience.

In the absence of data demonstrating that the ingredients present in OTC drug products containing colloidal silver ingredients or silver salts are generally recognized as safe and effective, these ingredients cannot be included in an OTC drug product. After the effective date of the final regulation, any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce (unless it is the subject of an approved NDA, of which there currently are none) that is not in compliance with this regulation will be subject to regulatory action.

E. The Dietary Supplement Health and Education Act (DSHEA)

7. Several comments, from consumers, stated that the specific product they used did not make any claims and might be considered a dietary supplement. None of the comments provided any labeling or specifics about the products they used.

This final rule addresses products marketed as OTC drugs. A product that is not intended for OTC ''drug'' use in accord with section 201(g)(1) of the act would not be subject to this final rule. A product containing silver could, under certain circumstances, be marketed as a dietary supplement if it meets the definition in section 201(ff) of the act and other applicable requirements. Among other things, such a product's label must state that the product is a dietary supplement and meet other labeling requirements of the act. (See, e.g., section 403(q), (r), and (s) of the act (21 U.S.C. 343(q), (r), and (s)).) It must also meet the safety requirements of the act. (See, e.g., 21 U.S.C. 342(a), (f), and (g).) FDA may take regulatory action against a product marketed as a dietary supplement when authorized to do so by the act.

A dietary supplement containing colloidal silver or silver salts may not be labeled in whole or in part for topical use. Section 201(ff)(2)(A)(i) of the act requires that a dietary supplement is a product that is ''intended for ingestion.'' The term ingestion has been addressed by the court in *United States* v. *Ten Cartons, Ener-B Nasal Gel*, 888 F. Supp. 393 (E.D.N.Y.), *aff'd*, 72 F.3d 285 (2d Cir. 1995). A topical product could not be a dietary supplement.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Under the Regulatory Flexibility Act, if a rule has a significant impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities.

Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) requires that agencies prepare a written statement and economic analysis before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation). As the agency stated in the proposed rule, this rulemaking is not expected to pose a significant impact on small business because only a limited number of products are affected (61 FR 53685 at 53687).

The agency believes that this final rule is consistent with the principles set out in the Executive Order and in these two statutes. The purpose of this final rule is to establish that all OTC drug products containing colloidal silver ingredients or silver salts for internal or external use are not generally recognized as safe and effective and are misbranded. The agency's Drug Listing System identifies a multitude of silver-containing products. These products may contain silver, silver ion, silver chloride, silver cyanide, silver iodide, silver oxide, or silver phosphate.

All of these manufacturers are considered small entities, using the U.S. Small Business Administration designation for this industry (750 employees).

Manufacturers will no longer be able to market OTC drug products containing any silver ingredients after the effective date of the final rule. While the manufacturers may incur a loss of revenue from some of these products, some silver products for internal use may be able to continue to be marketed as dietary supplements, provided they meet, among other regulatory requirements applicable to dietary supplements, the definition of dietary supplements in section 201(ff) of the act and meet the labeling requirements of section 403 of the act.

Manufacturers have been aware of the possible effects on the status of these OTC silver drug products since October 1996 and have not submitted adequate safety and effectiveness data to the agency. Since publication of the 1996 proposal and with the 30-day implementation date after publication of the final rule, manufacturers should have ample time to deplete most of their remaining stock of OTC drug products containing the affected ingredients.

The agency has considered a longer effective date for this final rule. However, manufacturers have not submitted the necessary data, and safety and effectiveness have not been established for the ingredients included in this final rule. Consumers will benefit from the removal from the marketplace of OTC drug products containing ingredients for which safety and effectiveness have not been established. If consumers purchase these products marketed as dietary supplements and if the product bears a statement claiming a benefit related to a classical nutrient deficiency disease and discloses the prevalence of such disease in the United States, describes the role of a nutrient or dietary ingredient intended to affect the structure or function of the body in humans, characterizes the documented mechanism by which a nutrient or dietary supplement acts to maintain such structure or function, or describes general well-being from consumption of a nutrient or dietary ingredient, then the labeling will have to inform them that ''This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.'' (See 21 U.S.C. 343(r)(6).)

While this final rule may cause manufacturers to discontinue marketing or reformulate or relabel some products, these manufacturers have known for some time that if adequate data were not submitted to support safety and effectiveness, cessation of marketing of the current OTC drug products would be required, in any event, when the final

rule was published and became effective.

The analysis shows that this final rule is not economically significant under Executive Order 12866 and that the agency has considered the burden to small entities. Thus, this economic analysis, together with other relevant sections of this document, serves as the agency's final regulatory flexibility analysis, as required under the Regulatory Flexibility Act. Finally, this analysis shows that the Unfunded Mandates Reform Act does not apply to the final rule because it would not result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million.

IV. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

V. Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 310 is amended as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360b-360f, 360j, 361(a), 371, 374, 375, 379e; 42 U.S.C. 216, 241, 242(a), 262, 263b-263n.

2. Section 310.548 is added to subpart E to read as follows:

§ 310.548 Drug products containing colloidal silver ingredients or silver salts offered over-the-counter (OTC) for the treatment and/or prevention of disease.

(a) Colloidal silver ingredients and silver salts have been marketed in over-the-counter (OTC) drug products for the treatment and prevention of numerous disease conditions. There are serious and complicating aspects to many of the diseases these silver ingredients purport to treat or prevent. Further, there is a lack of adequate data to establish general recognition of the safety and effectiveness of colloidal silver ingredients or silver salts for OTC use in the treatment or prevention of any disease. These ingredients and salts include, but are not limited to, silver proteins, mild silver protein, strong silver protein, silver, silver ion, silver chloride, silver cyanide, silver iodide, silver oxide, and silver phosphate.

(b) Any OTC drug product containing colloidal silver ingredients or silver salts that is labeled, represented, or promoted for the treatment and/or prevention of any disease is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) for which an approved application or abbreviated application under section 505 of the act and part 314 of this chapter is required for marketing. In the absence of an approved new drug application or abbreviated new drug application, such product is also misbranded under section 502 of the act.

(c) Clinical investigations designed to obtain evidence that any drug product containing colloidal silver or silver salts labeled, represented, or promoted for any OTC drug use is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs as set forth in part 312 of this chapter.

(d) After September 16, 1999, any such OTC drug product containing colloidal silver or silver salts initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Dated: July 14, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–21253 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–135]

RIN 2115–AA97

Safety Zone Port of New York/New Jersey Annual Marine Events

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing a number of Safety Zone regulations for annual fireworks displays. This action is necessary to update the current regulations for Safety Zones. This action is intended to remove regulations for events that are now covered by other regulations.

DATES: This rule is effective August 17, 1999.

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

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

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. These procedures are unnecessary because this regulation is strictly administrative in nature. This final rule merely removes obsolete sections in 33 CFR part 165. The safety zones being removed have gone through notice and comment rulemaking and are included in the First Coast Guard District Fireworks list in 33 CFR 100.114.

Background and Purpose

One June 28, 1999, the First Coast Guard District published a Final rule in the **Federal Register** (64 FR 34543) updating the regulations for Fireworks displays within the First Coast Guard District (33 CFR 100.114). The following regulations for fireworks displays from 33 CFR part 165 were added to the list in § 100.114 and are no longer required in part 165:

1. § 165.161 Safety Zone; Annual ''Fireworks on the Navesink'' Fireworks Display Navesink River, Red Bank, New Jersey.

2. § 165.166 Safety Zone; Annual Burlington Independence Day Celebration Fireworks Display, Burlington Bay, Vermont.

3. § 165.167 Safety Zone; Annual Rensselaer Festival Fireworks Display, Hudson River, New York.

4. § 165.170 Safety Zone; Heritage of Pride Fireworks Display, Hudson River, New York.

5. § 165.174 Safety Zone; Annual South Street Seaport New Year's Eve Fireworks Display, East River, New York.

6. § 165.175 Safety Zone; Annual South Street Seaport Memorial Day Fireworks Display, East River, New York.

7. § 165.178 Safety Zone; Annual North Hempstead Memorial Day Fireworks Display, Hempstead Harbor, New York.

Regulatory Evaluation

This final rule is not a significant regulatory action under section (f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the fact that this regulation is strictly administrative in nature and that the regulations have gone through notice and comment rulemaking while being added to the list of First Coast Guard District fireworks displays in 33 CFR 100.114.

Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates

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

Environment

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

List of Subjects in 33 CFR part 165

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

Regulation

For the reasons discussed in the preamble, the Coat guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

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

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

§ 165.161 [Removed]

2. Remove § 165.161.

§ 165.166 [Removed]

3. Remove § 165.166.

§ 165.167 [Removed]

4. Remove § 165.167.

§ 165.170 [Removed]

5. Remove § 165.170

§ 165.174 [Removed]

6. Remove § 165.174.

§ 165.175 [Removed]

7. Remove § 165.175.

§ 165.178 [Removed]

8. Remove § 165.178.

Dated: August 6, 1999.

R.E. Bennis,

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

[FR Doc. 99–21269 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AJ03

Reconsideration of Denied Claims

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs' ''Medical'' regulations by adding a new section to set forth reconsideration procedures regarding claims for benefits administered by the Veterans Health Administration. These procedures would not only allow for more reflective decisions at the local level but would also allow some disputes to be resolved without the need for further appeal to the Board of Veterans' Appeals.

DATES: Effective Date: August 17, 1999.

FOR FURTHER INFORMATION CONTACT: Troy L. Baxley, Health Administration Service (10C3), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington DC 20420, telephone (202) 273–8301. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on February 27, 1998 (63 FR 9990), we proposed to amend the ''Medical'' regulations (38 CFR part 17) by adding a new section to set forth reconsideration procedures regarding claims for benefits administered by the Veterans Health Administration (VHA). We provided a 60-day comment period, which ended April 28, 1998. We received comments from two sources.

Both commenters asserted that the VA person rendering a decision upon reconsideration should not be the same person who rendered the original decision. We agree and have delegated the authority for making the reconsideration decision to the immediate supervisor of the initial VA decision-maker.

One commenter asserted that under § 17.133(a) of the proposed rule, the examples provided are, indeed, examples and are not all inclusive. We agree. We have revised the text to more clearly emphasize that, unless other reconsideration procedures apply, the reconsideration procedures of this rule apply to VHA decisions that are appealable to the Board of Veterans' Appeals. Also, we have clarified the procedures to state that they do not apply to decisions made outside VHA, such as rating decisions made by the Veterans Benefits Administration and adopted by VHA for decisionmaking.

Paperwork Reduction Act of 1995

The Office of Management and Budget (OMB) has cleared the information collection and has assigned an OMB control number 2900–0600.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this final rule would not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Although the adoption of the final rule could affect small businesses, it would not have a significant impact on any small business. Therefore, pursuant to 5 U.S.C. 605(b), the proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There are no Catalog of Federal Domestic Assistance program numbers.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: June 28, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 17 is amended to read as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501(a), 1721, unless otherwise noted.

2. In part 17, an undesignated center heading and § 17.133 are added to read as follows:

Reconsideration of Denied Claims

§ 17.133 Procedures.

(a) *Scope.* This section sets forth reconsideration procedures regarding claims for benefits administered by the Veterans Health Administration (VHA). These procedures apply to claims for VHA benefits regarding decisions that are appealable to the Board of Veterans' Appeals (e.g., reimbursement for non-VA care not authorized in advance, reimbursement for beneficiary travel expenses, reimbursement for home improvements or structural alterations, etc.). These procedures do not apply when other regulations providing reconsideration procedures do apply (this includes CHAMPVA (38 CFR 17.270 through 17.278) and spina bifida (38 CFR 17.904) and any other regulations that contain reconsideration procedures). Also, these procedures do not apply to decisions made outside of VHA, such as decisions made by the Veterans Benefits Administration and adopted by VHA for decisionmaking. These procedures are not mandatory, and a claimant may choose to appeal the denied claim to the Board of Veterans' Appeals pursuant to 38 U.S.C. 7105 without utilizing the provisions of this section. Submitting a request for reconsideration shall constitute a notice of disagreement for purposes of filing a timely notice of disagreement under 38 U.S.C. 7105(b).

(b) *Process.* An individual who disagrees with the initial decision denying the claim in whole or in part may obtain reconsideration under this section by submitting a reconsideration request in writing to the Director of the healthcare facility of jurisdiction within one year of the date of the initial decision. The reconsideration decision will be made by the immediate supervisor of the initial VA decision-maker. The request must state why it is concluded that the decision is in error and must include any new and relevant information not previously considered. Any request for reconsideration that does not identify the reason for the dispute will be returned to the sender without further consideration. The request for reconsideration may include a request for a meeting with the immediate supervisor of the initial VA decision-maker, the claimant, and the claimant's representative (if the claimant wishes to have a representative present). Such a meeting shall only be for the purpose of discussing the issues and shall not include formal procedures (e.g., presentation, cross-examination of witnesses, etc.). The meeting will be taped and transcribed by VA if requested by the claimant and a copy of the transcription shall be provided to the claimant. After reviewing the matter, the immediate supervisor of the initial VA decision-maker shall issue a written decision that affirms, reverses, or modifies the initial decision.

Note to § 17.133: The final decision of the immediate supervisor of the initial VA decision-maker will inform the claimant of further appellate rights for an appeal to the Board of Veterans' Appeals.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0600)

(Authority: 38 U.S.C. 511, 38 U.S.C. 7105)

[FR Doc. 99–21249 Filed 8–16–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AJ40

Veterans Education: Increased Allowances for the Educational Assistance Test Program

AGENCIES: Department of Defense and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 1998–99 academic year should be increased by 5% over the rates payable for the 1997–98 academic year. The regulations dealing with these rates are amended accordingly.

DATES: This rule is effective August 17, 1999.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, (202) 273–7187.

SUPPLEMENTARY INFORMATION: The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the

amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 5% in the 1997–98 academic year. Accordingly, this final rule changes 38 CFR 21.5820 and 21.5822 to reflect a 5% increase in the rates payable in the 1998–99 academic year. These changes to § 21.5820 include removing provisions for adjustments to compensate for rounding, which were not applicable because this year the resulting numerical values did not involve rounding. Other nonsubstantive changes are made for the purpose of clarification.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary and contrary to the public interest and there is good cause for dispensing with a 30-day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program are determined based on a statutory formula and, in essence, the calculation of rates merely constitutes a non-discretionary ministerial act. The other changes made by this document are merely nonsubstantive changes for the purpose of clarification.

Regulatory Flexibility Act

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 10, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Approved: May 19, 1999.

Curtis B. Taylor,

Colonel U.S. Army, Principal Director, (Military Personnel Policy), Department of Defense.

For the reasons set out above, 38 CFR part 21 (subpart H) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart H—Educational Assistance Test Program

1. The authority citation for part 21, subpart H, is revised to read as follows:

Authority: 10 U.S.C. ch. 107; 38 U.S.C. 501(a), 3695, 5101, 5113, 5303A; 42 U.S.C. 2000; sec. 901, Pub. L. 96–342, 94 Stat. 1111–1114, unless otherwise noted.

2. In § 21.5820, paragraph (b)(1) is amended by removing ''1997–98'' and adding, in its place, ''1998–99'' and by removing ''$3,103'' and adding, in its place, ''$3,258''; paragraph (b)(2)(ii) introductory text is amended by removing ''1997–98'' and adding, in its place, ''1998–99''; paragraph (b)(2)(ii)(A) is amended by removing ''$344.78'' and adding, in its place, ''$362'' and by removing ''$172.39'' and adding, in its place, ''$181''; paragraph (b)(2)(ii)(B) is amended by removing ''$11.49'' and adding, in its place, ''$12.07'' and by removing ''$5.75'' and adding, in its place, ''$6.03''; paragraph (b)(3)(ii) introductory text is amended by removing ''1997–98'' and adding, in its place, ''1998–99''; paragraph (b)(3)(ii)(A) is amended by removing ''$344.78'' and adding, in its place, ''$362'' and by removing ''$172.39'' and adding, in its place, ''$181''; paragraph (b)(3)(ii)(B) is amended by removing ''$11.49'' and adding, in its place, ''$12.07'' and by removing ''$5.75'' and adding, in its place, ''$6.03''; and paragraphs (b)(2)(ii)(C) and (b)(3)(ii)(C) are revised to read as follows:

§ 21.5820 Educational assistance.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(C) Adding the two results.

(3) * * *

(ii) * * *

(C) Adding the two results; and

* * * * *

§ 21.5822 [Amended]

3. In § 21.5822, paragraph (a) introductory text is amended by removing ''payable to'' and adding, in its place, ''payable to''; paragraph (b)(1)(i) is amended by removing ''$773'' and adding, in its place, ''$812'', by removing ''1997–98'' and adding, in its place, ''1998–99'', and by removing ''year,'' and adding, in its place; ''year.''; paragraph (b)(1)(ii) is amended by removing ''$386.50'' and adding, in its place, ''$406'', by removing ''1997–98'' and adding, in its place, ''1998–99'', and by removing ''year,'' and adding, in its place, ''year.''; paragraph (b)(2)(i) is amended by removing ''1997–98'' and adding, in its place, ''1998–99'', by removing ''$773'' and adding, in its place, ''$812'', and by removing ''day:'' and adding, in its place, ''day.''; and paragraph (b)(2)(ii) is amended by removing ''1997–98'' and adding, in its place, ''1998–99'', by removing ''$386.50'' and adding, in its place, ''$406'', and by removing ''day;'' and adding, in its place, ''day.''.

[FR Doc. 99–21248 Filed 8–16–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259–8312–02; I.D. 081099A]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the Commonwealth of Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts for the remainder of calendar year 1999, unless additional quota becomes available through a transfer. Regulations

governing the summer flounder fishery require publication of this notification to advise the Commonwealth of Massachusetts that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Massachusetts.

DATES: Effective from 0001 hours, August 16, 1999, through 2400 hours, December 31, 1999.

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

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 1999 calendar year was set equal to 11,110,300 lb (5,039,547 kg)(64 FR 5196, February 3, 1999, corrected at 64 FR 9088, February 24, 1999). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, or 757,842 lb (343,751 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the Commonwealth of Massachusetts has attained its quota for 1999.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours August 16, 1999, further landings of summer flounder in Massachusetts by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1999 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the same date, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: August 12, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–21299 Filed 8–12–99; 3:18 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 158
Tuesday, August 17, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 702 and 747

Prompt Corrective Action

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 3, 1999, the NCUA issued a proposed rule establishing a system of prompt corrective action to be taken by NCUA and by federally-insured credit unions if they become undercapitalized. The proposed rule was published in the **Federal Register** on May 18, 1999 (see 64 FR 27090). The proposed rule stated that comments must be received by August 16, 1999. Due to a request made, the NCUA Board has decided to extend the comment period for an additional 15 days to August 31, 1999.

DATES: The comment period is being extended from August 16, 1999 to August 31, 1999. Comments must be postmarked or received by August 31, 1999.

ADDRESSES: Direct comments to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Fax comments to (703) 518–6319. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: Steven W. Widerman, Trial Attorney, Office of General Counsel, at the above address or telephone: (703) 518–6540.

By the National Credit Union Administration Board on August 10, 1999.

Becky Baker,

Secretary of the Board.

[FR Doc. 99–21212 Filed 8–16–99; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–25–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped With AlliedSignal RIA–35B Instrument Landing System Receivers

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 Airbus Model A319, A320, A321, A330, and A340 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to require the flightcrew to discontinue use of any Instrument Landing System (ILS) receiver for which a certain caution message is displayed. It also requires, for certain airplanes, replacing any faulty ILS receiver with a new, serviceable, or modified unit, and provides for optional terminating action for the AFM revisions. That amendment was prompted by a pilot's report of errors in the glide slope deviation provided by an ILS receiver. This action would require accomplishment of the previous optional terminating action. The actions specified by this proposal are intended to detect and correct faulty ILS receivers and to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard. An erroneous localizer deviation could result in a landing outside the lateral boundary of the runway.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–25–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 this AD may be obtained from AlliedSignal Aerospace, Technical Publications, Dept. 65–70, P.O. Box 52170, Phoenix, Arizona 85072–2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–25–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–25–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 6, 1998, the FAA issued AD 98–17–05, amendment 39–10707 (63 FR 43294, August 13, 1998), applicable to certain Airbus Model A319, A320, A321, A330, and A340 series airplanes, to require the flightcrew to discontinue use of any Instrument Landing System (ILS) receiver for which a certain caution message is displayed and, for certain airplanes, replacement of any faulty ILS receiver with a new, serviceable, or modified unit. That AD also provides for an optional terminating action for the AFM revisions. That action was prompted by a pilot's report of errors in the glide slope deviation provided by an ILS receiver. The requirements of that AD are intended to detect and correct faulty ILS receivers, to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard, which could result in a landing outside the lateral boundary of the runway.

Actions Since Issuance of Previous Rule

In the preamble to AD 98–17–05, 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 to require replacement of all existing RIA–35B ILS receivers with modified parts, which would constitute terminating action for the AFM revisions. This proposed AD follows from that determination and allows opportunity for public comment.

In light of the criticality of the unsafe condition (an error in the glide slope deviation provided by an ILS receiver, which could result in a landing outside of the lateral boundary of the runway), reliance on the AFM procedures to require the flightcrew to discontinue use of any ILS receiver for which a certain caution message is displayed and replacement of faulty ILS receivers may not provide the degree of safety assurance necessary for the transport airplane fleet. Therefore, replacement of all existing RIA–35B ILS receivers with modified parts is necessary to ensure long-term continued operational safety.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–34–1163, Revision 01, dated August 19, 1998 (for Model A319, A320 and A321 series airplanes), Service Bulletin A330–34–3068, dated April 28, 1998 (for Model A330 series airplanes), and Service Bulletin A340–34–4073, dated April 28, 1998 (for Model A340 series airplanes). These service bulletins provide information on the installation of RIA–35B ILS receivers that have been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), Revision 1, dated May 1998, onto the airplane.

Airbus has developed production modification 27251 (for Model A319, A320, and A321 series airplanes) and production modification 46264 (for Model A330 and A340 series airplanes). These modifications involve the installation of modified ILS receivers on these airplanes during production, which would eliminate the need for the AFM limitations required by the existing AD.

U.S. Type Certification of the Airplanes

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

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 supersede AD 98–17–05 to continue to require the flightcrew to discontinue use of any ILS receiver for which a certain caution message is displayed. For certain airplanes, the proposed AD would continue to require replacement of any faulty ILS receiver with a new, serviceable, or modified unit. The proposed AD would add a new requirement for replacement of all existing RIA–35B ILS receivers with modified parts, which would constitute terminating action for the AFM revisions described previously. The replacement would be required to be accomplished in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), Revision 1, dated May 1998 (described previously in AD 98–17–05).

Explanation of the Applicability of the Proposed Rule

The FAA notes that its general policy is that, when an unsafe condition results from the installation of an appliance or other item that is installed in a limited number of airplane models, an AD is issued so that it is applicable to those airplanes, rather than the item. The reason for this is simple: making the AD applicable to the airplane models on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents ''unknowing non-compliance'' on the part of the operator.

Cost Impact

There are approximately 191 airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision that is currently required by AD 98–17–05, and retained in this AD, takes approximately 1 work hour 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 $11,460, or $60 per airplane.

The new replacement that is proposed in this AD action would take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $157 per airplane. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be $87,287, or $457 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 39–10707 (63 FR 43294, August 13, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 99–NM–25–AD. Supersedes AD 98–17–05, Amendment 39–10707.

Applicability: Model A319, A320, A321, A330, and A340 series airplanes; certificated in any category; equipped with AlliedSignal RIA–35B Instrument Landing System (ILS) receivers, part number (P/N) 066–50006–0202; excluding airplanes on which RIA–35B ILS receiver P/N 066–50006–1202 [Airbus Modification 27251 (for Model A319, A320, and A321 series airplanes) or Modification 46264 (for Model A330 and A340 series airplanes)] has been installed.

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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct faulty ILS receivers and to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver, and advised of the procedures necessary to address that hazard, accomplish the following:

Restatement of Actions Required by AD 98–17–05, Amendment 39–10707

(a) Within 10 days after August 28, 1998 (the effective date of AD 98–17–05, amendment 39–10707), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

''Instrument Landing (ILS) 1(2) Fault

If ''ILS 1(2) FAULT,'' electronic centralized aircraft monitor (ECAM) caution, is triggered at any time during the flight, the affected ILS receiver must be considered as no longer available until it is replaced, and the flight crew must make the appropriate entry in the aircraft maintenance log prior to the next flight.

During an ILS or LOC approach, the glide slope deviation and localizer deviation from ILS receivers 1 and 2 must be monitored and compared.

If a discrepancy between the glide slope deviation and/or localizer deviation provided by ILS receivers 1 and 2 is experienced, interrupt the ILS approach.

Do not conduct ILS or LOC approaches using a single ILS receiver.

If ILS 1 has experienced an unannunciated failure there may be late or false ground proximity warning system (GPWS) alerts/callouts. Affected GPWS features may include sink rate alerts, glide slope deviation alerts, and altitude callouts.''

(2) Following accomplishment of the AFM revision required by paragraph (a)(1) of this AD, if a caution message reading ''ILS 1 FAULT,'' ''ILS 2 FAULT,'' or ''ILS 1+2 FAULT'' is displayed intermittently or continuously on ECAM during any portion of any flight: Within 10 days after the message is first displayed, remove the faulty ILS receiver and install either a new or serviceable part that has the same P/N as the ILS receiver that was removed from the airplane or a part that has been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), Revision 1, dated May 1998.

Note 2: The ECAM messages described in paragraph (a)(2) of this AD, when displayed to the pilot, are normally preceded by ''NAV'' indicating a fault in the navigation system.

(b) As of August 28, 1998, no person shall install on any airplane an AlliedSignal RIA–35B ILS receiver, P/N 066–50006–0202, that has been found to be discrepant [that is, an ILS receiver for which one of the caution messages specified in paragraph (a)(2) of this AD was displayed on the ECAM] unless the discrepancy has been corrected by modifying the ILS receiver in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), Revision 1, dated May 1998.

New Actions Required by This AD

(c) Within 6 months after the effective date of this AD, replace all RIA–35B ILS receivers, P/N 066–50006–0202, with RIA–35B ILS receivers that have been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), Revision 1, dated May 1998; on which the P/N's have been converted to 066–50006–1202. Such replacement constitutes terminating action for the requirements of paragraph (a) of this AD. After the replacement has been accomplished, the limitations required by paragraph (a)(1) of this AD may be removed from the AFM.

Note 3: Modification of all AlliedSignal RIA–35B ILS receivers, P/N 066–50006–0202, accomplished prior to August 28, 1998, in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M–4431 (RIA–35B–34–7), dated April 1998, is considered acceptable for compliance with the modification specified in this amendment.

Note 4: Airbus Industrie Service Bulletin A320–34–1163, Revision 01, dated August 19, 1998 (for Model A319, A320 and A321 series airplanes), Service Bulletin A330–34–3068, dated April 28, 1998 (for Model A330 series airplanes), and Service Bulletin A340–34–4073, dated April 28, 1998 (for Model A340 series airplanes), provide additional information on the installation of RIA–35B ILS receiver part number 066–50006–1202.

Alternative Methods of Compliance

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with 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.

Issued in Renton, Washington, on August 11, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–21333 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–74–AD]

Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700–710A1–10 and BR700–710A2–20 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness directive (AD) applicable to BMW Rolls-Royce GmbH (BRR) Models BR700–710A1–10 and BR700–710A2–20 turbofan engines. The existing AD currently requires initial and repetitive visual inspections of the engine compressor and combustion core fairings (also referred to as the engine core fairings) and fasteners for correct installation and damage, and verification that the engine core fairing fasteners are torqued to a higher torque value. This action would increase the repetitive inspection interval to 150 hours time-in-service (TIS) following an initial inspection and follow-on inspection at the current 50 hours TIS interval. This action also would require an initial inspection and follow-on inspection at a 50 hours TIS interval following any engine core fairing or fastener removal, repair, or replacement. Repair of engine core fairings has been added as an alternate to engine core fairing replacement, and an inspection for loose engine core fairing(s) has been included to verify correct installation on the engine. This proposal is prompted by results of repetitive inspections that indicate that the inspection interval can be increased safely. The actions specified by the proposed AD are intended to prevent engine compressor or combustion core fairing detachment and damage to the engine bypass duct, resulting in engine failure and damage to the airplane.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–74–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from BMW Rolls-Royce GmbH, Eschenweg 11, D–15827 Dahlewitz, Germany; telephone 011–49–33–7086–1883; fax 011–49–33–7086–3276. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–74–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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–74–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

On February 16, 1999, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 98–24–03, Amendment 39–11050 (64 FR 9056, February 24, 1999), following a priority letter AD issued November 12, 1998, applicable to BMW Rolls-Royce GmbH (BRR) Models BR700–710A1–10 and BR700–710A2–20 turbofan engines. That AD requires initial and repetitive visual inspections of the engine compressor and combustion core fairings (also referred to as the engine core fairings) and fasteners for correct installation and damage, and verification that the engine core fairing fasteners are torqued to the higher torque value. That action was prompted by a report of an engine compressor core fairing failure during engine ground runs on a BRR Model BR700–710A1–10 turbofan engine installed on a Gulfstream G–V aircraft. That condition, if not corrected, could result in engine compressor or combustion core fairing detachment and damage to the engine bypass duct, resulting in engine failure and damage to the airplane.

Since the issuance of that AD, the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, has notified the FAA that they have determined, based on ongoing investigations and results of successful repetitive inspections, that the inspection interval can be safely increased. They also determined that if an engine core fairing was removed, an initial inspection and follow-on inspection at the current 50 hour TIS interval would be required to insure correct installation, before the 150 hour repetitive time-in-service (TIS) interval is permitted. They also instituted an inspection requirement for loose engine core fairings to verify proper installation and allowed the use of repaired engine core fairings. The LBA issued AD 1998–467/2 following publication of BRR Service Bulletin (SB) No. BR700–72–900062, Revision 3, dated March 24,1999, that increases the repetitive inspection intervals.

This engine model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the 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.

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 revise AD 98–24–03 to increase the repetitive inspection interval to 150 hours time-in-service (TIS) following a successful initial inspection and one follow-on inspection at the current 50 hours TIS inspection interval. Any engine core fairings or fasteners that have been removed, repaired, or replaced will require an initial inspection before flight and one follow-on inspection at the 50 hours TIS interval before the 150 hour TIS inspection interval is allowed.

There exists no adverse economic impact because this proposed rule only increases the repetitive inspection interval.

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 39–11050 (64 FR 9056, February 24, 1999), and by adding a new airworthiness directive, to read as follows:

BMW Rolls-Royce GmbH: Docket No. 98–ANE–74–AD. Revises AD 98–24–03, Amendment 39–11050.

Applicability: BMW Rolls-Royce GmbH (BRR) Model BR700–710A1–10 and BR700–710A2–20 turbofan engines installed on, but not limited to, Gulfstream Aerospace G–V and Bombardier BD–700–1A10 series airplanes.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent engine compressor and combustion core fairing (also referred to as the engine core fairing) detachment which could result in damage to the engine bypass duct, engine failure and damage to the aircraft, accomplish the following:

(a) Prior to further flight, visually inspect the engine core fairings and fasteners to ensure correct installation and for cracks, loose fairings, or fasteners, and if loose, cracked, damaged, or improperly installed, repair or replace with serviceable parts. Torque all the fasteners to the increased torque value, in accordance with BRR Service Bulletin (SB) BR700–72–900062, Revision 1, dated October 29, 1998, or Revision 2, dated November 3, 1998, or Revision 3, dated March 24, 1999.

(b) Thereafter, except as provided in paragraphs (c) or (d) of this AD, at intervals not to exceed 50 hours time-in-service (TIS) since last inspection, visually inspect the engine core fairings and fasteners for cracks, loose fairings, or fasteners, and, if loose, cracked, or damaged, repair or replace with serviceable parts. Torque all the fasteners to the increased torque value, in accordance with BRR SB BR700–72–900062, Revision 2, dated November 3, 1998, or Revision 3, dated March 24, 1999.

(c) Following an initial inspection in accordance with paragraph (a) of this AD, and one follow-on inspection in accordance with paragraph (b), if both inspections found no cracks, damage, loose fairings or fasteners the repetitive inspection interval may be increased to 150 hours TIS since last inspection in accordance with the procedures described in paragraph (b) of this AD.

(d) Reinspection and retorquing prior to further flight is required in accordance with paragraph (a) of this AD, following any engine core fairing or fastener which has been removed, repaired or replaced. One successful follow-on inspection and retorque in accordance with paragraph (b) of this AD must be accomplished before the repetitive 150 hour TIS inspection interval described in paragraph (c) of this AD is permitted.

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

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

Issued in Burlington, Massachusetts, on August 11, 1999.

David A. Downey,

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

[FR Doc. 99–21332 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–07–AD]

RIN 2120–AA64

Airworthiness Directives; Allison Engine Company AE 3007A and AE 3007C Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require revisions to the Airworthiness Limitations Section of the Allison Engine Company AE 3007A and AE 3007C Engine Manuals to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This proposal would also require an air carrier's approved continuous airworthiness maintenance program to incorporate these inspection procedures. Air carriers with an approved continuous airworthiness maintenance program

would be allowed to either maintain the records showing the current status of the inspections using the record keeping system specified in the air carrier's maintenance manual, or establish an acceptable alternate method of record keeping. This proposal is prompted by an FAA study of in-service events involving uncontained failures of critical rotating engine parts that indicated the need for improved inspections. The improved inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this proposed AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–07–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chung-Der Young, Aerospace Engineer Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–7309, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NE–07–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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–07–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

A recent FAA study analyzing 15 years of accident data for transport category airplanes identified several failure mode root causes that can result in serious safety hazards to transport category airplanes. This study identified uncontained failure of critical life-limited rotating engine parts as the leading engine-related safety hazard to airplanes. Uncontained engine failures have resulted from undetected cracks in rotating parts that initiated and propagated to failure. Cracks can originate from causes such as unintended excessive stress from the original design, or they may initiate from stresses induced from material flaws, handling damage, or damage from machining operations. The failure of rotating parts can present a significant safety hazard to the airplanes by release of high energy fragments that could injure passengers or crew by penetration of the cabin, damage flight control surfaces, sever flammable fluid lines, or otherwise compromise the airworthiness of the airplane.

Accordingly, the FAA has developed an intervention strategy to significantly reduce uncontained engine failures. This intervention strategy was developed after consultation with industry and will be used as a model for future initiatives. This intervention strategy is to conduct enhanced, nondestructive inspections of fan disks which could most likely result in a safety hazard to the airplane in the event of a disk fracture. The FAA is also considering the need for additional rule making. Future ADs may be issued introducing additional intervention strategies to further reduce or eliminate uncontained engine failures.

Properly focused enhanced inspections require identification of the parts whose failure presents the highest safety hazard to the airplane, identifying the most critical features to inspect on these parts, and utilizing inspection procedures and techniques that improve crack detection. The FAA, with close cooperation of the engine manufacturers, has completed a detailed analysis that identifies the most safety significant parts and features, and the most appropriate inspection methods.

Critical life-limited high-energy rotating parts are currently subject to some form of recommended crack inspection when exposed during engine maintenance or disassembly. As a result of this AD, the inspections currently recommended by the manufacturer will become mandatory for those parts listed in the compliance section.

Furthermore, the FAA intends that additional mandatory enhanced inspections resulting from this AD serve as an adjunct to the existing inspections. The FAA has determined that the enhanced inspections will significantly improve the probability of crack detection while the parts are disassembled during maintenance. All mandatory inspections must be conducted in accordance with detailed inspection procedures prescribed in the manufacturer's Engine Manuals.

Additionally, this AD allows for air carriers operating under the provisions of 14 CFR part 121 with an FAA-approved continuous airworthiness maintenance program, and entities with whom those air carriers make arrangements to perform this maintenance, to verify performance of the enhanced inspections by retaining the maintenance records that include the inspections resulting from this AD, provided that the records include the date and signature of the person performing the maintenance action. These records must be retained with the maintenance records of the part, engine module, or engine until the task is repeated. This will establish a method of record preservation and retrieval typical to those in existing continuous airworthiness maintenance programs. Instructions must be included in an air carrier's maintenance manual providing procedures on how this record preservation and retrieval system will be implemented and integrated into the air carrier's record keeping system.

This proposal would require, within the next 30 days after the effective date of this AD, revisions to the

Airworthiness Limitations Section in the Allison Engine Company AE 3007A and AE 3007C Engine Manuals, and, for air carriers, the approved continuous airworthiness maintenance program. Allison Engine Company, the manufacturer of AE 3007A and AE 3007C series turbofan engines, used on 14 CFR part 25 airplanes, has provided the FAA with a detailed proposal that identifies and prioritizes the critical life-limited rotating engine parts with the highest potential to hazard the airplane in the event of failure, along with instructions for enhanced, focused inspection methods. The enhanced inspections resulting from this AD will be conducted at piece-part opportunity, as defined below in the compliance section, rather than specific time inspection intervals.

The FAA estimates that 450 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per engine to accomplish the proposed actions. The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $27,000.

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:

Allison Engine Company: Docket 99–NE–07–AD.

Applicability: Allison Engine Company AE 3007A, A1/1, A1/2, A1and AE 3007C series turbofan engines, installed on but not limited to EMBRAER EMB–145 series and Cessna Citation X series airplanes.

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

(a) Within the next 30 days after the effective date of this AD, revise the Airworthiness Limitations Section of the Allison Engine Company AE 3007A and AE 3007C Engine Manuals, and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following:

''Mandatory Inspections

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part No. (P/N)	Inspect per engine manual chapter
Wheel, Fan	All	72–21–21 (Task 72–21–21–200–801)

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is completely disassembled when done in accordance with the disassembly instructions in the engine manufacturer's Heavy Maintenance Manual; and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in § 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the Airworthiness Limitations Section of the Allison Engine Company AE 3007A and AE 3007C Engine Manuals.

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

(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) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record keeping requirement of § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)] of this chapter must maintain records of the mandatory inspections that result from revising the Airworthiness Limitations Section and the air carrier's continuous airworthiness program. Alternately, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting

from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations [14 CFR 121.369(c)]; however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations [14 CFR 121.380(a)(2)(vi)]. All other Operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the engine manual changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the Engine Manuals.

Issued in Burlington, Massachusetts, on August 9, 1999.

David A. Downey,

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

[FR Doc. 99–21331 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–13–U

RAILROAD RETIREMENT BOARD

20 CFR Part 375

RIN 3220–AB36

Plan of Operation During a National Emergency

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to amend its regulations to update its emergency procedures in light of recent internal reorganizations. This would allow the Board to more effectively continue service and handle payments to civilian employees and their dependents in the event of a national emergency.

DATES: Comments must be received on or before October 18, 1999.

ADDRESSES: Comments may be submitted to the Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751–4513, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Part 375 of the regulations of the Board provides for operations of the Board during emergencies. This rulemaking would amend part 375 to refer to procedures of the Office of Personnel Management regarding advances, evacuation payments, and allowances for civilian employees in time of national emergency. Also, the rulemaking would update references to offices in the Board to reflect recent reorganizations.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 375

Civil defense, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 375—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

1. The authority citation for part 375 is revised to read as follows:

Authority: 45 U.S.C. 231f(b)(5), 362(l).

2. In § 375.1, paragraph (a) is revised and a new paragraph (c) is added to read as follows:

§ 375.1 Purpose.

(a) The Railroad Retirement Board has adopted a plan to provide basic organization and methods of operation which may be needed to continue uninterrupted service during a period of national emergency as defined in § 375.2.

* * * * *

(c) For purposes of Government-wide uniformity, the procedures of the Board regarding payments during evacuation to employees and their dependents shall conform to those contained in subpart D of part 550 of the regulations of the Office of Personnel Management pertaining to ''Payments During Evacuation'' (5 CFR Part 550, Subpart D).

§ 375.2 [Amended]

3. Section 375.2 is amended by removing ''chairman'' and adding in its place ''Chair'' and by adding ''or her'' after ''his'' in two places.

4. In § 375.5, revise paragraphs (a), (b) introductory text, (b)(1) and (b)(2) to read as follows:

§ 375.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(a) During a national emergency, as defined in § 375.2, the respective functions and responsibilities of the Board shall be, to the extent possible, as set forth in the U.S. Government Manual, which is published annually by the Office of the Federal Register, and is available on the Internet at http://www.nara.gov/fedreg/, under *Other Publications.*

(b) The following delegation of authority is made to provide continuity in the event of a national emergency:

(1) The Chair of the Board shall act with full administrative authority for the Board.

(2) In the absence or incapacity of the Chair, the authority of the Chair to act shall pass to the available successor highest on the following list:

Labor Member of the Board
Management Member of the Board
Director of Administration
Director of Programs
General Counsel
Chief Information Officer
Director of Supply and Service
Regional Directors in order of length of Board service

* * * * *

§ 375.5 [Amended]

5. Paragraph (b)(3) of § 375.5 is amended by removing ''Chairman'' and by adding in its place ''Chair'', by removing ''bureau'' and adding in its place ''office'' in three places, and by adding ''or her'' after ''his'' in three places.

6. Paragraphs (a), (b)(1), (b)(2) introductory text and (c)(1) of § 375.6 are revised to read as follows:

§ 375.6 Personnel, fiscal, and service functions.

(a) *Personnel.* In a national emergency as defined in § 375.2, when it is no longer possible for a regional director to communicate with the Chair or his or her successor as set forth in § 375.5, complete responsibility and authority for administration of the personnel function are delegated to such regional director for his or her respective geographic area.

(b) *Fiscal.* (1) In a national emergency, as defined in § 375.2, the Chair of the Board or his or her successor, as set forth in § 375.5, shall designate an individual to assume the responsibilities of the Chief Financial Officer in the event that he or she is unable to assume those responsibilities.

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

Director of Administration
Director of Programs
Chief Financial Officer
Regional Directors

* * * * *

(c) *Supply and service.* (1) In a national emergency, as defined in

§ 375.2, complete responsibility and authority for the procurement of needed supplies, equipment, space, communications, transportation, and repair services, are delegated to each regional director for his or her geographic area.

* * * * *

§ 375.7 [Amended]

7. Section 375.7 is amended as follows:

a. In paragraph (a)(2), by removing ''Director of Retirement Claims'' and adding in its place ''Director of Programs''.

b. In paragraph (b)(1)(ii), by removing ''such as claim file folders or magnetic tape master records''.

c. In paragraph (b)(1)(vi), by removing ''and in the regions'' and ''or if those offices become inoperative''.

d. In paragraph (b)(2), by removing ''Director of Unemployment and Sickness Insurance'' and adding in its place ''Director of Programs''.

e. Paragraph (c) is removed.

8. Section 375.8 is revised to read as follows:

§ 375.8 Regulations for employers.

(a) In a national emergency, as described in § 375.2, employers shall continue to follow, to the greatest extent possible, the requirements pertaining to employers in subchapters A, B, and C of this chapter.

(b) Where a national emergency, as described in § 375.2, prevents an employer from following any requirement imposed by paragraph (a) of this section, the employer shall comply with such requirement as soon as possible after the cessation of the national emergency.

(c) In a national emergency, as defined in § 375.2, all communications by employers shall be directed as set forth in § 375.4.

Dated: August 5, 1999.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99–20912 Filed 8–16–99; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 310 and 344

[Docket No. 77N–334S]

RIN 091O–AA01

Topical Otic Drug Products for Over-the-Counter Human Use; Products for Drying Water-Clogged Ears; Proposed Amendment of Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking that would amend the final monograph for over-the-counter (OTC) topical otic drug products (the regulation that establishes conditions under which these drug products are generally recognized as safe and effective and not misbranded). The amendment would add conditions for marketing topical otic drug products for drying water-clogged ears. Concurrently, the agency is proposing to remove water-clogged ears from one part of the regulation that lists conditions that are not generally recognized as safe and effective and that are misbranded. This proposal contains labeling in the new OTC drug format and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Submit written comments on the proposed regulation by November 15, 1999. Please see section VIII for the effective date of any final rule that may publish based on this proposal.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Ryland, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 9, 1982 (47 FR 30012), the agency published a tentative final monograph for OTC topical otic drug products used as earwax removal aids. Subsequently, in the **Federal Register** of July 30, 1986 (51 FR 27366), the agency proposed to amend this tentative final monograph to consider OTC topical otic drug products for the prevention of swimmer's ear and for the drying of water-clogged ears. At that time, no topical otic drug products for these conditions were proposed as generally recognized as safe and effective and not misbranded. The agency, however, did propose Category I (monograph) labeling for such products in case data were submitted that resulted in upgrading any ingredient(s) to monograph status in the final rule.

In the **Federal Register** of August 8, 1986 (51 FR 28656), the agency issued a final rule establishing part 344 (21 CFR part 344) for topical otic drug products for OTC human use. The monograph included one active ingredient for use as an earwax removal aid.

In the **Federal Register** of November 7, 1990 (55 FR 46914), the agency published a final rule establishing that certain active ingredients that had been under consideration in a number of OTC drug rulemaking proceedings were not generally recognized as safe and effective (hereinafter referred to as the 1990 final rule). The 1990 final rule was effective on May 7, 1991, and included in § 310.545(a)(15) (21 CFR 310.545(a)(15)) the active ingredient acetic acid, which had been under consideration as part of this rulemaking for OTC topical otic drug products for the prevention of swimmer's ear and for the drying of water-clogged ears. After the 1990 final rule published, only two ingredients remained to be evaluated in this rulemaking: Isopropyl alcohol and anhydrous glycerin.

In the **Federal Register** of February 15, 1995 (60 FR 8916), the agency issued a final rule establishing that OTC topical otic drug products for prevention of swimmer's ear or for drying water-clogged ears were not generally recognized as safe and effective for OTC use and were new drugs under section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). The agency listed the ingredients considered in the rulemaking (i.e., glycerin, anhydrous glycerin, and isopropyl alcohol) in § 310.545(a)(15)(ii), with an effective date of August 15, 1995, after which products containing these ingredients for these uses could no longer be initially introduced or initially delivered for introduction into interstate commerce. Acetic acid, which had been listed solely in § 310.545, was now listed in § 310.545(a)(15)(i), with the same effective date of May 7, 1991. This final rule did not affect the conclusion reached in the 1990 final rule that acetic acid was not generally recognized as safe and effective for the prevention of swimmer's ear. The phrase ''approved

as of May 7, 1991'' in § 310.545(a)(15)(i) indicates when this conclusion became effective for acetic acid.

Subsequently, a drug manufacturer submitted new data (Ref. 1) to support the use of a product containing 95 percent isopropyl alcohol in a 5 percent anhydrous glycerin base for drying water-clogged ears. The agency has determined that the data support the use of this product for drying water-clogged ears (Ref. 2). Accordingly, in the **Federal Register** of August 16, 1995 (60 FR 42435), the agency issued a partial stay of the August 15, 1995, effective date for § 310.545(a)(15)(ii) for products containing 95 percent isopropyl alcohol in a 5 percent anhydrous glycerin base used for the drying of water-clogged ears. This partial stay applied only to products with these ingredients for drying water-clogged ears. The new data and the stay did not involve other ingredients, such as acetic acid, and did not pertain to the prevention of swimmer's ear. The August 15, 1995, effective date for § 310.545(a)(15)(ii) remains in effect for the listed ingredients when used in topical otic drug products for the prevention of swimmer's ear.

II. The Agency's Proposal

A. Evaluation of the Data

The new data (Ref. 1) included the results of a double-blinded, three-arm, parallel study to evaluate the effectiveness and tolerability of isopropyl alcohol in drying water-clogged ears in 90 adult volunteers. Subjects were recruited if they were otherwise healthy but had a history of water-clogged ears. A screening test was performed by instilling five drops of water into the ear designated for testing and then examining the ear using an operating microscope. Subjects who had only mild residual fluid, or none, were disqualified from the study. Subjects with moderate fluid retention (defined as having an amount of liquid that placed the meniscus up to one-half of the visible height of the eardrum to the umbo) or greater were then randomized into one of the three treatment arms: Isopropyl alcohol 95 percent in anhydrous-glycerin 5 percent, isopropyl alcohol 100 percent, and no treatment. While subjects in the no-treatment control arm received no drug, the study nurse conveyed a sense of treatment by adding five drops of air from an empty dropper to the subjects' ears.

The results of the study showed that isopropyl alcohol (with and without glycerin) is effective in drying excess water in the subjects' ear canal compared to no treatment, even though the size was insufficient to detect a statistical difference in efficacy between the two isopropyl alcohol treatment arms. Many subjects in both alcohol arms complained of burning/warming after even a single treatment. The intensity of this sensation (as determined by each subject) was up to 40 on a visual analog score (VAS) 50-point scale. No irritation (excessive burning) was documented after a single use. Overall, the results showed that subjects who received isopropyl alcohol with glycerin had better numerical scores than those on isopropyl alcohol alone relative to both effectiveness and tolerability. Subjects on isopropyl alcohol with glycerin had lower burning scores than those on isopropyl alcohol alone, even though the power of this study was insufficient to show a statistically significant difference. Thus, the agency has determined that it would be preferable for consumers to use a product containing 95 percent isopropyl alcohol in 5 percent anhydrous glycerin instead of a product containing 100 percent isopropyl alcohol. The agency's detailed comments and evaluations of the data (Ref. 2) are on file in the Dockets Management Branch (address above).

Based on these new data, the agency is proposing to amend part 344 to include ''ear drying aid'' drug products. The monograph active ingredient for these products is 95 percent isopropyl alcohol in 5 percent anhydrous glycerin base.

B. Labeling

In the July 30, 1986, proposal (51 FR 27366 at 27373), the agency proposed Category I labeling in the event that data were submitted that resulted in upgrading any ingredient(s) to monograph status in the final rule. The agency stated that although the term ''water-clogged ears'' is not a recognized clinical entity, it is a term consumers use to refer to the temporary retention of water in the ears after swimming, showering, washing the hair, bathing, etc. (51 FR 27366 at 27370). The agency also stated that claims such as ''helps relieve the discomfort of water-clogged ears by drying excess water,'' and ''helps dry water in the ear,'' would be acceptable because these claims relate to the relief of the symptoms as described in the previous sentence. At this time, the agency is proposing language that is consistent with the earlier version but is more concise, that is, ''Dries water in the ear,'' or that incorporates some of the common causes of water-clogged ears, that is, ''Dries and relieves water-clogged ears after swimming, showering, bathing, or washing the hair.'' The agency is also allowing other truthful and nonmisleading statements to be used as provided in § 330.1(c)(2) (21 CFR 330.1(c)(2)). The proposed statement of identity for these products is ''ear drying aid.''

The agency is proposing the same warnings previously proposed in § 344.52(c)(1), (c)(2), (c)(3), and (c)(5) of the July 30, 1986, tentative final monograph (51 FR 27366 at 27373) but is proposing them in the new OTC drug labeling format (see 64 FR 13254, March 17, 1999). The agency is changing the warning previously proposed in § 344.52(c)(4), which stated: ''Discontinue use and consult a doctor if undue irritation or sensitivity occurs.'' The agency is expanding the term ''irritation'' to include ''too much burning'' and is deleting the term ''sensitivity'' because the alcohol treatment products in the clinical study (Ref. 1) produced some burning (intensity was moderate to severe during a single use (up to 40 on a 50-point scale)). The agency is concerned about repeated use and long-term use. Accordingly, the agency is revising the language in the proposed warning in § 344.52(c)(4) to now read: ''Stop use and ask a doctor if [in bold type] irritation (too much burning) or pain occurs''. One manufacturer expressed disagreement (Ref. 3) with the inclusion of the phrase ''too much [or excessive] burning,'' and the agency requested the manufacturer to provide additional data on this subject (Ref. 2). However, no data were ever provided. Based on the clinical study (Ref. 1), the agency is proposing the following directions: ''apply 4 to 5 drops in each affected ear''.

Existing part 344 currently includes only topical otic drug products used as earwax removal aids. The current headings for §§ 344.10 and 344.50 refer to a topical otic active ingredient and labeling of topical otic drug products, respectively. Accordingly, §§ 344.10 and 344.50 will become ''Earwax removal aid active ingredient'' and ''Labeling of earwax removal aid drug products,'' respectively. The agency is proposing new §§ 344.12 and 344.52 as ''Ear drying aid active ingredient,'' and ''Labeling of ear drying drug products,'' respectively. The agency is proposing to delete § 344.50(e), which refers to substitution of the word ''physician'' for the word ''doctor'' because this is now covered in § 330.1(i)(23) (21 CFR 330.1(i)(23)). Likewise, the agency is not proposing previously proposed § 344.52(e) (concerning substitution of ''physician'' for ''doctor'') (51 FR 27366 at 27373) because it is also covered by § 330.1(i)(23).

III. Summary of Agency Changes

1. Section 344.52(b), under the heading ''Use,'' follows the new OTC drug labeling format in § 201.66(d)(4) (21 CFR 201.66(d)(4)) and provides several options to customize the uses.

2. Section 344.52(c), under the heading ''Warnings,'' follows the new OTC drug labeling format in § 201.66(c)(5) (21 CFR 201.66(c)(5)) and states all of the warnings after the new appropriate subheadings.

3. The agency has revised the format of the headings for § 310.545(a)(15), (a)(15)(i), and (a)(15)(ii).

IV. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities.

Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) requires that agencies prepare a written statement and economic analysis before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation).

The agency believes that this proposed rule is consistent with the principles set out in the Executive Order and in these two statutes. The purpose of this proposed rule is to establish conditions for drug products used to dry water-clogged ears containing alcohol and glycerin. This proposed rule amends the final monograph for OTC topical otic drug products containing alcohol and glycerin for the drying of water-clogged ears and will require some product relabeling. The agency's Drug Listing System identifies only one manufacturer/marketer of one stockkeeping unit (SKU) (individual product, package, and size) of OTC topical otic drug products with these ingredients for drying water-clogged ears. There may be other manufacturers/marketers not identified in sources FDA reviewed, but the agency believes there are a limited number.

The agency has been informed that relabeling costs of the type required by this proposal generally average about $2,000 to $3,000 per SKU. Assuming there could be as many as five affected OTC SKU's in the marketplace, total one-time costs of relabeling would be $10,000 to $15,000. The agency believes that actual costs would be lower for several reasons.

First, the agency has proposed the revised labeling in the new OTC drug labeling format (64 FR 13254). Therefore, manufacturers will not incur expenses determining how to state the new information in product labeling. Manufacturers, however, will incur some expense to redesign product labeling. Manufacturers will be able to incorporate the revised labeling changes with the new general OTC drug labeling final rule, implementing all labeling changes at one time. Thus, the relabeling costs resulting from two different but related final rules will be individually reduced by implementing both required changes at the same time.

The agency certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The one identified manufacturer/marketer is a small entity using the U.S. Small Business Administration designations for this industry (750 employees). The agency believes that any other unidentified manufacturer of these products is probably also a small entity. Based on the limited number of SKU's (usually only one) each manufacturer has to relabel, the cost for each manufacturer should be minimal.

This analysis shows that this proposed rule is not economically significant under Executive Order 12866. Finally, this analysis shows that the Unfunded Mandates Reform Act does not apply to the proposed rule because it would not result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million.

V. Paperwork Reduction Act of 1995

FDA tentatively concludes that the labeling requirements proposed in this document are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Rather, the proposed labeling requirements are a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

VI. Environmental Impact

The agency has determined under 21 CFR 25.31(c) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Request for Comments

Interested persons may, on or before November 15, 1999, submit written comments to the Dockets Management Branch (address above). Written comments on the agency's economic impact determination may be submitted on or before November 15, 1999. Three copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

VIII. Proposed Effective Date

FDA is proposing that any final rule based on this proposal become effective 12 months after its date of publication in the **Federal Regiser**.

IX. References

The following references are on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Comment No. CP1, Docket No. 77N–334S, Dockets Management Branch.

2. Letter from W. E. Gilbertson, FDA, to N. Buc, Buc Levitt & Beardsley, attorneys for Del Pharmaceuticals, Inc., coded LET13, Docket No. 77N–334S, Dockets Management Branch.

3. Comment No. C7, Docket No. 77N–334S, Dockets Management Branch.

List of Subjects

21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 344

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 310 and 344 be amended as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360b–360f, 360j, 361(a), 371, 374, 375, 379e; 42 U.S.C. 216, 241, 242(a), 262, 263b–263n.

2. Section 310.545 is amended by revising the headings of paragraphs (a)(15), (a)(15)(i), and (a)(15)(ii) to read as follows:

§ 310.545 Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses.

(a) * * *

(15) *Topical otic drug products*—(i) *For the prevention of swimmer's ear and for the drying of water-clogged ears, approved as of May 7, 1991.*

(ii) *For the prevention of swimmer's ear, approved as of August 15, 1995.*

* * * * *

PART 344—TOPICAL OTIC DRUG PRODUCTS FOR OVER–THE–COUNTER HUMAN USE

3. The authority citation for 21 CFR part 344 continues to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 353, 355, 360, 371.

4. Section 344.3 is amended by adding paragraphs (c) and (d) to read as follows:

§ 344.3 Definitions.

* * * * *

(c) *Water-clogged ears*. The retention of water in the external ear canal, thereby causing discomfort and a sensation of fullness or hearing impairment.

(d) *Ear drying aid*. A drug used in the external ear canal to help dry water-clogged ears.

5. Section 344.10 is amended by revising the section heading to read as follows:

§ 344.10 Earwax removal aid active ingredient.

* * * * *

6. Section 344.12 is added to subpart B to read as follows:

§ 344.12 Ear drying aid active ingredient.

The active ingredient of the product consists of isopropyl alcohol 95 percent in an anhydrous glycerin 5 percent base.

7. Section 344.50 is amended by revising the section heading and by removing paragraph (e) to read as follows:

§ 344.50 Labeling of earwax removal drug products.

* * * * *

8. Section 344.52 is added to subpart C to read as follows:

§ 344.52 Labeling of ear drying aid drug products.

(a) *Statement of identity*. The labeling of the product contains the established name of the drug, if any, and identifies the product as an ''ear drying aid.''

(b) *Indications*. The labeling of the product states, under the heading ''Use,'' the following: ''dries water in the ears'' (optional, which may be followed by: ''and relieves water-clogged ears'') (which may be followed by any or all of the following: ''after: [bullet][1] swimming [bullet] showering [bullet] bathing [bullet] washing the hair''). Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed in paragraph (b) of this section, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the provisions of section 502 of the Federal Food, Drug, and Cosmetic Act (the act) relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

(c) *Warnings*. The labeling of the product contains the following warnings under the heading ''Warnings'':

(1) ''Flammable [in bold type]: Keep away from fire or flame.''

(2) ''Do not use [in bold type] in the eyes.''

(3) ''Ask a doctor before use if you have [in bold type] [bullet] ear drainage or discharge [bullet] pain, irritation, or rash in the ear [bullet] had ear surgery [bullet] dizziness.''

(4) ''Stop use and ask a doctor if [in bold type] irritation (too much burning) or pain occurs.''

(d) *Directions*. The labeling of the product contains the following statement under the heading ''Directions'': [optional, bullet] ''apply 4 to 5 drops in each affected ear.''

Dated: August 9, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–21252 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–01–F

[1] See § 201.66(b)(4) of this chapter.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL–097–FOR]

Illinois Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; withdrawal of a previously proposed amendment and public comment period and opportunity for public hearing for a new proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing the withdrawal of a previously proposed amendment and the receipt of a new amendment to the Illinois regulatory program (Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois is replacing its previously proposed amendment dated November 24, 1998, with a new amendment dated August 2, 1999. Both amendments include changes to Illinois' regulations to reflect changes required by the Energy Policy Act of 1992 regarding repair or compensation for material damage caused by subsidence from underground coal mining operations and replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations. The new amendment also includes revisions to and additions of regulations concerning performance bond adjustment; siltation structures; impoundments; hydrologic balance; disposal of noncoal mine wastes; revegetation; backfilling and grading; prime farmland; and State inspections. Illinois intends to revise its program to be consistent with the corresponding Federal regulations, to provide additional safeguards, to clarify ambiguities, and to improve operational efficiency.

This document gives the times and locations that the Illinois program and the new amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., e.s.t., September 16, 1999. If requested, we will hold a public hearing on the amendment on September 13, 1999. We will accept

requests to speak at the hearing until 4:00 p.m., e.s.t. on September 1, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Andrew R. Gilmore, Director, Indianapolis Field Office, at the address listed below.

You may review copies of the Illinois program, the 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 amendment by contacting OSM's Indianapolis Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, Telephone: (317) 226–6700.

Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, 300 W. Jefferson Street, Suite 300, Springfield, IL 62701, Telephone (217) 782–4970.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office. Telephone: (317) 226–6700. Internet: INFOMAIL@indgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. You can find background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the June 1, 1982, **Federal Register** (47 FR 23883). You can find later actions concerning the Illinois program at 30 CFR 913.15, 913.16, and 913.17.

II. Withdrawal of Proposed Amendment

By letter dated November 24, 1998 (Administrative Record No. IL–5028), Illinois sent us an amendment to its program under SMCRA. Illinois proposed to amend its regulations concerning repair or compensation for material damage caused by subsidence from underground coal mining operations and replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations. We announced receipt of the proposed amendment in the December 10, 1998, **Federal Register** (63 FR 68218) and invited public comment on its adequacy. The public comment period ended January 11, 1999. During our review of the amendment, we identified issues concerning Illinois' policy for implementing the proposed regulations. Illinois' implementation policy appeared to contain requirements and exemptions that were not specified in the regulation language. We met with Illinois on February 22, 1999, to discuss our findings. On April 1, 1999, we notified Illinois of additional concerns (Administrative Record No. IL–5042). On August 2, 1999, Illinois sent us a new amendment that responds to our concerns and reflects the April 27, 1999, decision by the U.S. Court of Appeals for the District of Columbia Circuit regarding the March 31, 1995, Federal regulations relating to subsidence (National Mining Ass'n v. Babbitt, 98–5320, D.C. Cir. 1999). The new amendment replaces Illinois' amendment dated November 24, 1998. Therefore, we are withdrawing the proposed amendment announced in the December 10, 1998, **Federal Register**.

III. Description of the Proposed Amendment

By letter dated August 2, 1999 (Administrative Record No. IL–5044), the Illinois Department of Natural Resources (Department) sent us a new amendment to the Illinois program under SMCRA. The Department sent the amendment in response to our letters dated May 20, 1996, June 17, 1997, and January 15, 1999 (Administrative Record Nos. IL–1900, IL–2000, and IL–5036, respectively), that we sent to Illinois under 30 CFR 732.17(c). The amendment also includes changes made at the Department's own initiative. The Department proposes to amend Title 62 of the Illinois Administrative Code (IAC). Below is a summary of the changes proposed by the Department. The full text of the amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. Subsidence Repair or Compensation and Water Replacement

On March 31, 1995, OSM promulgated rules to implement new section 720 of SMCRA. Section 720, which took effect on October 24, 1992, as part of the Energy Policy Act of 1992, Public Law 102–486, 206 Stat. 2776, requires all underground coal mining operations conducted after October 24, 1992, to promptly repair or compensate for material damage caused by subsidence to noncommercial buildings and occupied residential dwellings and related structures. It also requires the replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations conducted after that date. By letter dated May 20, 1996, under 30 CFR 732.17(c), we notified Illinois to amend its program to be no less effective than the changes which resulted from the enactment of section 720 of SMCRA and the promulgation of implementing Federal regulations on March 31, 1995 (Administrative Record No. IL–1900). In response to this notification, Illinois proposed the following changes to its regulations:

1. 62 IAC 1701. Appendix A—Definition of Drinking, Domestic or Residential Water Supply

Illinois proposes to add the following definition for ''drinking, domestic or residential water supply'':

''Drinking, domestic or residential water supply'' means water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included except to the extent the water supply is for direct human consumption or human sanitation, or domestic use.

2. 62 IAC 1701. Appendix A—Definition of Material Damage

Illinois proposes the following definition for ''material damage'':

''Material damage,'' in the context of 62 Ill. Adm. Code 1784.20 and 62 Ill. Adm. Code 1817.121 means:

Any functional impairment of surface lands, features, structures or facilities;

Any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or

Any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

3. 62 IAC 1701. Appendix A—Definition of Replacement of Water Supply

Illinois proposes to define ''replacement of water supply'' as follows:

''Replacement of water supply'' means, with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an amount which covers the present worth of

the increased annual operation and maintenance costs for a period agreed to by the operator and the water supply owner.

If the affected water supply was not needed for the land use in existence at the time of loss, contamination or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

4. 62 IAC 1784.14 Hydrologic Information—Underground Mining Permit Applications

a. Illinois revised subsection (b)(1) by adding the word ''shadow.'' This subsection now requires the permit application to contain the location and ownership for the permit, shadow and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water and water usage.

b. Illinois revised subsection (b)(1)(A)(i) by adding the phrase ''for the permit area and its adjacent area.'' For the permit area and its adjacent area, the revised subsection requires that ground water quality descriptions include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese, and chlorides.

c. Illinois added new subsection (b)(1)(A)(ii) to require that ground water quality descriptions include, at a minimum:

for the shadow area and its adjacent area, pH, total dissolved solids, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

d. Illinois revised subsection (b)(1)(B) by adding the phrase ''for the permit, shadow and adjacent areas.'' The revised subsection requires ground water quantity descriptions for the permit, shadow and adjacent areas to include, at a minimum, rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined. It also requires this information for each water bearing stratum above the coal to be mined and in each water bearing stratum which may be potentially impacted below the coal to be mined.

e. Illinois added the following new provision at subsection (e)(3)(D) to require that the determination of the probable hydrologic consequences include the following finding:

Whether the underground mining activities conducted after January 19, 1996 may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit, shadow or adjacent areas.

5. 62 IAC 1784.20 Subsidence Control Plan—Underground Mining Permit Applications

a. Illinois removed the introductory paragraph of 62 IAC 1784.20 and added its substantive provisions to subsections (a) and (b).

b. Subsection (a) is entitled ''Pre-subsidence survey.'' Subsection (a)(1) requires the permit application to include a map of the permit, shadow and adjacent areas at a scale of 1:12,000 or larger if determined necessary. The map must show the location and type of structures and renewable resource lands that subsidence may materially damage or for which the value or reasonably foreseeable use may be diminished by subsidence. It must also show the location, depth and type of drinking, domestic and residential water supplies that could be contaminated, diminished or interrupted by subsidence.

c. Subsection (a)(2) requires the permit application to include a narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value or reasonably foreseeable use of such structures or renewable resource lands or could contaminate, diminish, or interrupt drinking, domestic, or residential water supplies.

d. Subsection (b) contains the requirements for a subsidence control plan. If the Department agrees, the applicant does not have to provide further information if the survey shows that: (1) No structures or protected water supplies or renewable resource lands exist; or (2) no material damage or diminution in value or reasonably foreseeable use of such structures or lands exist and no contamination, diminution, or interruption of such water supplies would occur as a result of mine subsidence. The application must include a subsidence control plan if the survey shows that structures, renewable resource lands or water supplies exist and that: (1) Subsidence could cause material damage or diminution in value or reasonably foreseeable use of structures; or (2) contamination, diminution, or interruption of protected water supplies; or (3) if the Department determines that damage, diminution in value or foreseeable use or contamination, diminution, or interruption could occur.

e. Existing subsection (a) was recodified as subsection (b)(1) and the reference to ''other extraction methods'' was removed.

f. Existing subsection (b) was recodified as subsection (b)(2) and revised to require the map of underground workings to identify all areas where measures described in subsections (b)(4), (b)(5) and (b)(7) will be taken to prevent or minimize subsidence and subsidence-related damage and, when applicable, to correct subsidence-related material damage.

g. Existing subsection (c) was recodified as subsection (b)(3) and revised to require the pre-subsidence survey to include a description of the physical conditions, such as depth of cover, seam thickness and lithology of overlying and underlying strata. It also requires a description of geotechnical stability parameters that affect the likelihood or extent of subsidence and subsidence related damage or potential underground mining impacts on ground water supplies.

h. Existing subsection (d)(5) was recodified as subsection (b)(4) and revised to require a description of the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate, other measures can be taken to prevent, reduce or correct material damage in accordance with 62 Ill. Adm. Code 1817.121(c).

i. Existing subsection (d) was recodified as subsection (b)(5). It requires a detailed description of the subsidence control measures for those areas where planned subsidence is not projected to be used. Existing subsections (d) (1) through (3) were recodified as subsections (b)(5) (A) through (C) without change. Existing subsection (d)(4) was recodified as subsection (b)(5)(D) and revised to require the description of the subsidence control measures to include those measures to be taken on the surface to prevent or minimize material damage or diminution in value of the surface. New subsection (b)(5)(E) requires a description of the geotechnical and engineering analysis of the mining geology and geometry, percent extraction, and historic performance to substantiate a stable subsidence control plan.

j. Existing subsection (e) was recodified as subsection (b)(6) without change.

k. Existing subsection (f) was removed.

l. New subsection (b)(7) was added for those areas where unplanned subsidence is projected to be used. It requires the subsidence control plan to

include a description of procedures to determine the quantity and quality of drinking, domestic and residential water supplies in accordance with 62 Ill. Adm. Code 1817.121(a)(2), if impacts could reasonably be expected to cause material damage. The applicant may request an exemption from conducting surveys of protected water supplies if the applicant can demonstrate that material damage resulting from underground mining is not likely to occur. The demonstration must be based on site specific geotechnical information, stability design, and historical performance provided in subsections (b)(3) and (b)(5).

m. For those areas where planned subsidence is projected to be used, new subsection (b)(8)(A) requires the subsidence control plan to include a description of the methods to be used to minimize damage from planned subsidence to structures and facilities; or the written consent of the owner of the structure or facility that minimization measures not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the costs of minimizing damage exceed the anticipated costs of repair. New subsection (b)(8)(B) requires a description of procedures to determine the condition of structures and facilities and the quantity and quality of drinking, domestic and residential water supplies, if impacts could reasonably be expected to cause material damage. If the applicant can demonstrate that material damage resulting from underground mining is not likely to occur, the applicant may request an exemption from conducting structure condition surveys and/or surveys of drinking, domestic and residential water supplies required by 62 Ill. Adm. Code 1817.121(a)(2). The demonstration must be based on site specific geotechnical information, stability design and historical performance provided under subsections (b)(3) and (b)(6).

n. New subsection (b)(9) requires a description of the measures to be taken in accordance with 62 Ill. Adm. Code 1817.41(j) and 1817.121(c) to replace adversely affected protected water supplies or to mitigate or remedy any subsidence related material damage to the land and protected structures. At subsection (b)(9)(A) the applicant must provide procedures to determine the existence and degree of material damage or diminution of value or foreseeable use of the surface, structures and facilities, or water quality and quantity. The procedures must address resolution of disputes between the landowner and the permittee over the existence, amount, level or degree of damage, such as third party arbitration. At subsection (b)(9)(B), the applicant must provide a plan for determining an appropriate present worth amount and describe how to resolve disputes between the landowner and the applicant over this amount, such as third party arbitration.

o. Existing subsection (g) was recodified as subsection (b)(10) with only editorial changes.

6. 62 IAC 1817.41 Hydrologic Balance Protection

Illinois proposes to add the following new provision at 62 IAC 1817.41(j):

Drinking, domestic or residential water supply. The permittee must promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after January 19, 1996, if the affected well or spring was in existence before the date the Department received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic information required in 62 Ill. Adm. Code 1780.21 and 1784.14 and the geologic information concerning baseline hydrologic conditions required in 62 Ill. Adm. Code 1780.22 and 1784.22 will be used to determine the impact of mining activities upon the water supply.

7. 62 IAC 1817.121 Subsidence Control

Illinois changed the word ''operator'' to ''permittee'' throughout this section and proposed the following changes:

a. At section 1817.121(a), Illinois added the heading ''Measures to prevent or minimize damage''; numbered the existing language in the first sentence as subsection (a)(1); and removed the last sentence.

b. New subsection (a)(2) requires that based on the requirements of 62 Ill. Adm. Code 1784.20(b)(7) and (b)(8), the permittee must perform a survey of the condition of all structures and facilities that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence. The permittee must also perform a survey of the quantity and quality of all drinking, domestic, and residential water supplies within the permit area, subsidence shadow area, and adjacent area that could be contaminated, diminished, or interrupted by subsidence. The applicant must pay for any technical assessment or engineering evaluation used to determine the pre-mining condition or value of such structures and facilities and the quantity and quality of drinking, domestic, or residential water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner.

c. Subsection (a)(2)(A) requires the permittee to perform or schedule the condition survey of structures and facilities a minimum of 120 days prior to undermining. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee must provide a copy of the condition survey to the property owner and maintain a copy that must be provided to the Department upon request. The permittee must provide the Department with verification that the survey has been completed and forwarded to the property owner.

d. Subsection (a)(2)(B) requires the permittee to complete the survey of drinking, domestic and residential water supplies 120 days prior to the water delivery system being undermined. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee must provide a copy of the water survey to the property owner and to the Department.

e. At new subsection (a)(3), if a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities. Measures to minimize material damage are not required: (1) If the permittee has the written consent of the owners of the structures and facilities; or (2) unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.

f. Subsection (a)(4) provides that nothing in this Part prohibits the standard method of room-and-pillar mining.

g. The substantive language of subsection (b) was not changed.

h. At subsection (c), Illinois added the heading ''Repair of damage.''

i. At subsection (c)(1), Illinois added the heading ''Repair of damage to surface lands'' and made minor language changes.

j. At subsection (c)(2), Illinois added the heading ''Repair or compensation for damage to structures and facilities.'' Illinois also revised subsection (c)(2) to require the permittee to promptly repair or compensate the owner for material damage resulting from subsidence caused to any structure or facility that existed at the time of the coal extraction under or adjacent to the materially damaged structure. If the repair option is selected, the permittee must fully

rehabilitate, restore or replace the damaged structure. If compensation is selected, the permittee must compensate the owner of the damaged structure for the full amount of the decrease in value resulting from the subsidence-related damage. The permittee may provide compensation by the purchase, before mining, of a non-cancelable premium-prepaid insurance policy. These requirements apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983.

k. Existing subsection (c)(3) was removed. New subsection (c)(3) provides requirements for adjustment of the performance bond amount when subsidence-related material damage to protected land, structures or facilities occur or when contamination, diminution, or interruption to a water supply occurs. The Department must require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owners, or in the amount of the estimated cost to replace the protected water supply if the permittee will be replacing the water supply. The additional performance bond must remain in force until the repair, compensation, or replacement is completed. If repair, compensation, or replacement is completed within 90 days of the occurrence of damage, no additional bond is required. This time frame may be extended, but not to exceed one year, if the permittee demonstrates that subsidence is not complete, that not all probable subsidence-related material damage has occurred to lands or protected structures, or that not all reasonable anticipated changes have occurred affecting protected water supplies. The permittee may also use appropriate terms and conditions for liability insurance to assure that the financial responsibility to comply with subsection (c) is in place.

l. Illinois removed the last sentence of subsection (g).

8. Policy and Justification for Subsidence Repair and Water Replacement Regulations

The amendment includes a letter and a side-by-side comparison of the proposed subsidence-related regulations and the counterpart Federal regulations to supplement Illinois changes concerning subsidence repair and water replacement. The letter discusses:

(1) What operations must perform pre-mining structure condition surveys. Applicable changes: 62 IAC 1784.20 (a)(1), (b)(3), (b)(5)(E), (b)(8) and 1817.121 (a)(2) and (a)(2)(A);

(2) What operations must perform pre-mining water quality and quantity surveys. Applicable changes: 62 IAC 1784.20 (a)(1), (b)(3), (b)(5)(E), (b)(7), (b)(8) and 1817.121 (a)(2) and (a)(2)(B);

(3) When should specific water surveys be required. Applicable changes: 62 IAC 1784.14 (b)(1), (e)(3)(D), 1784.20 (a)(1), (b)(7), (b)(8), (b)(9) and 1817.121 (a)(2) and (a)(2)(B);

(4) Where are condition surveys to be kept. Applicable change: 62 IAC 1817.121(a)(2)(A);

(5) Where is water quality and quantity survey information to be kept. Applicable change: 62 IAC 1817.121(a)(2)(B).

(6) How will compensation for water replacement costs be managed. Applicable change: 62 IAC 1784.20(b)(8)(B).

B. Siltation Structures, Impoundments, Banks, Dams, and Embankments

By letters dated June 17, 1997, and January 15, 1999, under 30 CFR 732.17(c), we notified Illinois that changes to the Illinois regulations relating to siltation structures, impoundments, banks, dams, and embankments were needed to be no less effective than the changes that were made to the Federal regulations on October 20, 1994 (59 FR 53022). In the October 20, 1994, rulemaking, OSM included standards from the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985) as part of the Federal requirements for siltation structures and impoundments. These changes were made as the result of decisions by the U.S. District Court of the District of Columbia in In Re: Permanent Surface Mining Regulation Litigation (II), No. 79–1144 (D.D.C. July 15, 1985) and In Re: NWF v. Lujan, No. 88–3345 (D.D.C. August 30, 1990). In response to this notification, Illinois proposed the following changes to its regulations:

1. 62 IAC 1780.25 (Surface Mining) and 1784.16 (Underground Mining) Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams, and Embankments

a. Illinois removed all references to sedimentation ponds and added references to siltation structures. Illinois also revised all outdated citation references.

b. Illinois added the following new language at the beginning of subsections (a)(2):

Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' Technical Release No. 60 (TR–60) shall comply with the requirements of this section for structures that meet or exceed the size or other criteria of the Mine Safety and Health Administration (MSHA).

c. Illinois revised the introductory language of subsections (a)(3) to read as follows:

Each detailed design plan for a structure not included in subsection (a)(2) above shall:

d. Illinois revised subsections (f) to require that each plan under subsections (b), (c), and (e) include a stability analysis if the structure meets the Class B or C criteria for dams in TR–60 or meets the size or other criteria of 30 CFR 77.216(a).

2. 62 IAC 1816.46 (Surface Mining Operations) and 1817.46 (Underground Mining Operations) Hydrologic Balance: Siltation Structures

Illinois removed the existing language from subsections (c)(2) and added the new language shown below. The only difference between the surface mining language and the underground mining language is a citation reference. We placed the citation reference for underground mining operations in brackets.

Spillways. A sediment pond shall include either a combination of principal and emergency spillways or single spillway configured as specified in section 1816.49(a)(9) [1817.49(a)(9)] of this Part.

3. 62 IAC 1816.49 (Surface Mining Operations) and 1817.49 (Underground Mining Operations) Impoundments

a. Illinois added new subsections (a)(1) to read as follows:

Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' 1985 shall comply with ''Minimum Emergency Spillway Hydrology Criteria'' table in TR–60 and the requirements of this section.

b. Illinois redesignated existing subsections (a)(1) through (a)(11) as (a)(2) through (a)(12). Illinois also revised outdated citation references and changed the term ''operator'' to the term ''permittee'' throughout these sections.

c. Illinois revised redesignated subsections (a)(4)(A) to read as follows:

An impoundment meeting the Class B or C criteria for dams in TR–60, or the size or other criteria of 30 CFR 77.216(a) shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

d. Illinois revised redesignated subsections (a)(4)(B) by removing the language ''Impoundments meeting the size or other criteria of 30 CFR 77.216(a)'' and adding the language

''Impoundments included in subsection (a)(4)(A) above.''

e. Illinois added the following new sentence to redesignated subsections (a)(5):

Impoundments meeting the SCS Class B or C criteria for dams in TR–60 shall comply with the freeboard hydrology criteria in the ''Minimum Emergency Spillway Hydrology Criteria'' table in TR–60.

f. Illinois revised redesignated subsections (a)(6)(A) to require that impoundments meeting the Class B or C criteria for dams in TR–60 meet the same requirements that are specified in these subsections for impoundments meeting the size or other criteria of 30 CFR 77.216(a).

g. Illinois revised redesigned subsections (a)(10)(A) to require that impoundments meeting the SCS Class B or C criteria for dams in TR–60, or the size or other criteria of 30 CFR 77.216(a) be inspected, examined and certified in accordance with 30 CFR 77.216.

h. Illinois revised redesigned subsections (a)(11) to require that impoundments that do not meet the SCS Class B or C criteria for dams in TR–60 or that are not subject to 30 CFR 77.216(a) must be examined at least quarterly for appearances of instability, structural weakness, or other hazardous conditions. The permittee must designate a qualified person to do the quarterly examinations.

i. Illinois revised subsections (b)(9)(A) by also requiring that permanent impoundments not meeting the Class B or C criteria for dams in TR–60 be provided with a spillway that meets the requirements specified in these subsections for those not meeting the size or other qualifying criteria of 30 CFR 77.216(a).

j. Illinois added new subsections (b)(9)(C) to read as follows:

Permanent impoundments meeting the Class B or C criteria for dams in TR–60, shall be provided with a spillway that meets the criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

k. Illinois revised subsections (c)(1) by also requiring that temporary impoundments not meeting the Class B or C criteria for dams in TR–60 be provided with a spillway that meets the requirements specified in these subsections for those not meeting the size or other qualifying criteria of 30 CFR 77.216(a). Illinois also added the following new provision at the end of subsections (c)(1):

Temporary impoundments meeting the Class B or C criteria for dams in TR–60, shall be provided with a spillway that meets the criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

l. Illinois revised subsections (c)(2)(B)(i) to require that temporary impoundments meeting the SCS Class B or C criteria for dams in TR–60 be designed to control the same precipitation event specified for impoundments meeting the size or other criteria of 30 CFR 77.216(a).

m. Illinois revised subsections (c)(2)(B)(ii) by replacing the language ''meeting the size or other criteria of 30 CFR 77.216(a)'' with the language ''included in subsection (c)(2)(B)(i) above.''

C. Performance Bonds

1. Administrative Review of Bond Adjustment Determinations

Illinois is revising its regulations for bond adjustment and administrative review as a result of Court Case No. 99–MR–214, Sangamon County, Illinois. The court found that the Department's rules lacked a mechanism for administrative hearing in the case of bond adjustments. The court ruled that this was in violation of the Illinois Administrative Procedure Act and enjoined the Department from increasing performance bond under its current regulations.

a. 62 IAC 1800.15 Adjustment of Performance Bond.

Illinois revised subsection (b) to provide the permittee an opportunity for administrative review under 62 Ill. Adm. Code 1847.3 of any proposed adjustment to the performance bond amount.

b. 62 IAC 1847.3 Permit Hearings.

Illinois revised subsection (a) to provide that the hearing procedures outlined in 62 IAC 1847.3 also apply to review of bond adjustment determinations under 62 Ill. Adm. Code 1800.15.

2. 62 IAC 1800.40 Requirement to Release Performance Bonds

a. Illinois revised subsection (a)(1) to allow permittees to authorize a person to act on their behalf in filing an application for bond release and to allow the Department to initiate an application for bond release.

b. In subsections (a)(2) and (3), the term ''operator'' is changed to ''applicant.''

c. In subsection (b)(2), Illinois removed a reference to the term ''county.'' Illinois also added a requirement that the municipality in which the surface coal mining operation is located be notified by certified mail of the Department's final administrative decision to release or not to release all or part of the performance bond.

D. 62 IAC 1816.89 (Surface Mining Operations) and 1817.89 (Underground Mining Operations) Disposal of Noncoal Mine Wastes

At subsections (b), Illinois is requiring that areas reclaimed to cropland capability have a minimum of four feet of suitable soil cover.

E. 62 IAC 1817.101 (Underground Mining Operations)—Backfilling and Grading: General Requirements

Illinois revised subsection (a) to require that surface areas disturbed incident to underground mining activities be backfilled and graded not later than 12 months after cessation of active use as determined by the Department.

F. Revegetation

1. 62 IAC 1816.111 (Surface Mining Operations) and 1817.111 (Underground Mining Operations) Revegetation: General Requirements

a. Illinois revised outdated citation references in 62 IAC 1816.111(b)(5).

b. At 62 IAC 1816.111(d) and 1817.111(d), Illinois removed the requirement that those prime farmlands granted an exemption in accordance with 62 Ill. Adm. Code 1785.17(a)(5) meet the requirements of 62 Ill. Adm. Code 1823.15.

2. 62 IAC 1816.116 (Surface Mining Operations) and 1817.116 (Underground Mining Operations) Success of Revegetation.

Illinois added a provision at subsections (b)(2) that require the person who conducts mining activities to:

Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas which have incurred five unsuccessful attempts to meet the production required by subsections (a)(3)(C) or (E) above or 62 Ill. Adm. Code 1785.15, or shall initiate deep tillage on the areas.

Illinois redesignated existing subsections (b)(2) as subsections (b)(3).

G. 62 IAC 1823.14 Prime Farmland: Soil Replacement

Illinois revised subsection (d) by adding the following new requirement:

In those areas where the B or C horizons were not removed but may have been compacted or otherwise damaged during the mining operation, the permittee shall engage in deep tillage or other appropriate means to restore premining capabilities.

H. 62 IAC 1840.11 Inspections by the Department

Illinois revised subsection (f)(2) by adding the language ''or the Department has determined that the reclamation required for Phase II bond release has been completed'' at the end of the existing language. This will allow a surface coal mining and reclamation operation that meets the new criteria to be designated inactive for inspection purposes.

I. Miscellaneous Changes

Throughout the sections discussed above, Illinois corrected typographical errors, punctuation, citation references, and other editorial-type errors; made minor wording changes; and simplified its use of numbers. To reflect recodification of the Illinois Surface Mining Land Conservation and Reclamation Act that occurred in 1992, Illinois replaced its citation references for the ''Ill. Rev. Stat. 1989, ch. 96½, pars. 7901.01 *et seq.*'' with references to ''225 ILCS 720.'' Illinois also made some of the same types of corrections and changes in 62 IAC 1777.11, 1800.13, 1840.14, and 1846.18.

IV. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Illinois program.

Written Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: SPATS No. IL–097–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Indianapolis Field Office at (317) 226–6700.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on September 1, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodations to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us 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. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

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 us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

V. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review 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 State regulatory programs and program amendments 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

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on 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 corresponding 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. Therefore, this rule will ensure that existing requirements previously published 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 corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 10, 1999.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 99–21258 Filed 8–16–99; 8:45 am]

BILLING CODE 4310–05–P

POSTAL SERVICE

39 CFR Part 111

Standards Governing the Design of Curbside Mailboxes

AGENCY: Postal Service.

ACTION: Notice of intent to establish a Consensus Committee and notice of first meeting.

SUMMARY: The Postal Service intends to establish a Consensus Committee to develop recommendations for revision of USPS STD 7A, which governs the design of curbside mailboxes. The committee will develop and adopt its recommendations through a consensus process. The committee will consist of persons who represent the interests affected by the proposed rule, including mailbox manufacturers, mailbox accessory manufacturers, and postal customers. The purpose of this Notice is to apprise the public of the intent to establish the committee; provide the public with information regarding the committee and the issues to be addressed; solicit public comment on the proposal to establish the committee, the issues to be addressed, and the proposed membership and procedures of the committee; explain how persons may apply or nominate others for membership on the committee; and announce the tentative date of the first committee meeting.

DATES: The Postal Service must receive written comments, requests for representation or membership on the committee, and nominations for membership on the committee no later than September 14, 1999. The first committee meeting is tentatively scheduled for September 15 and 16, 1999.

ADDRESSES: The first committee meeting is tentatively scheduled to be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, DC 20260. Mail comments and all other communications regarding the committee to Annamarie Gildea, Room 7142, at the same address. Committee documents will be available for public inspection and copying between 9:00 a.m. and 4:00 p.m. weekdays at the address above.

FOR FURTHER INFORMATION CONTACT: Annamarie Gildea, (202) 268–3558.

SUPPLEMENTARY INFORMATION:

I. Background

U.S. Postal Service Standard, Mailboxes, City and Rural Curbside, USPS STD 7A, governs the design of curbside mailboxes. The current standard, adopted in 1992, prescribes design limitations in terms that are no longer consistent with the operational requirements of the Postal Service. Primary issues to be addressed by the committee will include increasing design flexibility within the Postal Service's operational requirements; simplification and clarification of the standard; revising provisions on secure mailboxes; and adding provisions on accessories and electronic technologies. The committee may also consider other issues at its discretion and within the scope set forth in paragraph II.

II. Scope of the Rule

The contents of the new standard will be limited to regulations on curbside mailbox and accessory design characteristics that affect the operations of the Postal Service. Other issues, including but not limited to design characteristics relating to roadside safety, are not within the scope of the new standard.

III. Consensus Process

In a consensus process, representatives of interests that would be substantially affected by the new rule meet as an advisory committee to negotiate among themselves and with the agency to reach a consensus on a proposed rule. As part of the consensus process, the agency agrees to use the committee's recommendation as the basis of the proposed rule, and each private interest agrees to support the committee's recommendation and the proposed rule to the extent that it reflects the recommendation.

A feasibility study, performed by a neutral convenor, and using the Negotiated Rulemaking Act, 5 U.S.C. 561 *et seq.* as a guide, recommended that the Postal Service initiate a consensus process. In reaching this recommendation, the convenor determined that: (1) There is a need for the rule; (2) there are a limited number of identifiable interests significantly impacted by the rule; (3) a committee can be created with balanced representation which can represent the identified interests and can negotiate in good faith; (4) consensus on the issues appears likely; (5) the consensus process will not unduly delay the issuance of the rule; (6) the agency has resources and is willing to assist the consensus process; and (7) the agency, within the constraints of the law, will use the advisory committee's consensus as the basis of the rule for notice and comment.

IV. Participants

The committee will include a representative from the Postal Service and representatives, to be selected by the Postal Service, from persons and/or organizations that will be significantly affected by this rule. Each representative may also name an alternate who may attend all committee meetings and will serve in place of the primary representative if necessary. The designated Postal Service representative will be authorized to represent the agency in the committee, and will participate in its activities, discussions, and deliberations.

The convenor has recommended that the Postal Service invite the following organizations to participate in the consensus process. The convenor has contacted these organizations, which have indicated their willingness to serve on the committee. The Postal Service proposes to invite the following organizations to participate in the consensus process:

1. At Ease Technologies, Inc.
2. Cutler Manufacturing Corporation
3. Imperial Mail Box Systems, Inc.
4. Janzer Corporation
5. Magazine Publishers of America
6. National Association of Homebuilders
7. Parcel Shippers Association
8. Steel City Corporation
9. Step 2 Corporation
10. Rubbermaid, Inc.
11. The Solar Group

It is expected that these organizations would represent the following interests:

-Mailbox manufacturers
—Larger general manufacturers
Steel City Corporation
The Solar Group
—Specialty manufacturers—metal
Cutler Manufacturing Corporation
Imperial Mail Box Systems, Inc.
Janzer Corporation
—Specialty manufacturers—non-metal
Step 2 Corporation
Rubbermaid, Inc.

-Accessory manufacturers
At Ease Technologies, Inc.
-Mailers
Magazine Publishers of America
Parcel Shippers Association
-Consumers/Mailbox purchasers
National Association of Homebuilders

I. Tentative Schedule

The first committee meeting is tentatively scheduled for September 15 and 16, 1999 at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, DC. Subsequent meetings will be scheduled by the committee, at the same location, and are expected to occur approximately four weeks apart through approximately January 2000.

II. Nominations and Applications

Persons and organizations that will be significantly affected by this rule may apply for membership on the committee or nominate another person or organization for membership. Each nomination or application should include: (1) The name of the applicant or nominee and a description of the interests that person or organization represents; (2) evidence that the applicant or nominee is authorized to represent the interests the person proposes to represent; (3) the reasons the applicant or nominator believes its interests or those of its nominee are sufficiently different from those of organizations listed above that those interests would not be adequately represented by the members of the committee as proposed. All nominations and applications must be received by the Postal Service at the address above no later than September 14, 1999. The Postal Service reserves the right to refuse nominations and applications that do not fulfill these requirements. The Postal Service, with the advice of the convenor, will select committee members that provide adequate representation of each significantly affected interest rather than representatives of every individual and organization affected by the rule.

III. Procedures and Guidelines

(A) Facilitator

The Postal Service has selected a neutral, impartial facilitator to serve as chairman of the committee meetings. The facilitator will assist committee members conduct discussions, help committee members define issues and reach consensus, and manage the minutes, agendas, and other records of the committee.

(B) Good Faith

Committee members must be committed to negotiate in good faith and be authorized by the individuals and/or organization(s) they represent to do so. Therefore, senior individuals within each interest group should be designated to serve on the committee. Also, committee members must commit to support the final consensus recommendation of the committee.

(C) Administrative Support

Administrative support will be provided by the Postal Service at its headquarters offices.

(D) Consensus

''Consensus'' is defined for the purposes of this rulemaking as the unanimous concurrence among the committee members unless the committee explicitly adopts a different definition.

(E) Committee Procedures

Under the general guidance of the facilitator, and subject to legal requirements, the committee will establish procedures and ground rules.

(F) Records

The facilitator will prepare minutes of all committee meetings. These minutes will be placed in the public docket for this rulemaking.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–21324 Filed 8–16–99; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 97–207; DA 99–1566]

Calling Party Pays Service Offering in the Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the time for filing comments and reply comments in this proceeding to the close of business on September 17, 1999, and October 18, 1999, respectively. A modest extension has been granted to allow interested parties more time to provide more substantive and complete comments on the issues associated with Calling Party Pays (CPP).

DATES: Comments are due on or before September 17, 1999 and reply comments are due on or before October 18, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Joseph Levin or David Siehl, Policy Division, Wireless Telecommunications Bureau (202) 418–1310.

SUPPLEMENTARY INFORMATION: The following synopsis contains the text in chief of the Order Extending Comment and Reply Comment Periods, DA 99–1566, adopted August 6, 1999, and released August 6, 1999, in the proceeding on Calling Party Pays Service Offering in the Commercial Mobile Radio Services, WT Docket No. 97–207. The complete text of the entire released document containing the Order is available for inspection and copying during normal business hours in the FCC Reference Information Center (Courtyard level), 445 12th Street, SW, Washington, DC 20554, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857–3800, 445 12th Street, SW, CY–B400, Washington, DC 20054.

Synopsis of Order Extending Comment and Reply Comment Periods

1. This document extends the time for filing comments and reply comments in the captioned proceeding to the close of business on September 17, 1999, and October 18, 1999, respectively.

2. On July 7, 1999, the Commission released a Notice of Proposed Rulemaking (NPRM) in this proceeding that invited interested parties to comment no later than August 18, 1999, and to reply to filings by other parties no later than September 8, 1999. 64 FR 38396, July 16, 1999.

3. On August 2, 1999, the Personal Communications Industry Association (PCIA) requested an extension of the comment and reply comment dates until September 30, 1999, and October 22, 1999, respectively. PCIA cites the need for additional time to enable it to reflect in its comments the results of studies it is conducting on CPP use in other countries, and on technical and billing issues associated with CPP implementation in the United States.

4. The Policy Division, Wireless Telecommunications Bureau, agrees with PCIA that a modest extension of the comment and reply comment deadlines would enable them and other interested parties to provide more substantive and complete comments on the many issues associated with CPP. Consequently, the grant of an extension of the comment deadlines will enhance the overall quality of the comments and reply comments, and will provide a more complete record for consideration.

However, extension of the comment deadlines to the dates that PCIA requests could unduly delay the Commission's determination of the issues, in view of their significance to commenting parties and the public. Therefore, it is concluded that modifying PCIA's request for the extension, as specified below, is in the public interest.

Ordering Clause

Accordingly, it is ordered, pursuant to § 1.46 of the Commission's rules regarding the time for filing comments, that the request of PCIA is granted to the extent indicated. The comment deadline in the CPP proceeding is extended to the close of business on September 17, 1999, and the reply comment deadline is extended to the close of business on October 18, 1999.

Federal Communications Commission.

Kris Monteith,

Chief, Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 99–21272 Filed 8–16–99; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 536

[GSAR Notice 5–421]

RIN 3090–AH07

General Services Administration Acquisition Regulation; Clarification on the Use of Selection Criteria for Architect-Engineer Procurements

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to amend the GSA Acquisition Regulation (GSAR) to provide additional guidance concerning the use of selection criteria for Architect-Engineer procurements.

DATES: Comments should be submitted in writing to address shown below on or before October 18, 1999.

ADDRESSES: Mail comments to General Services Administration, Office of Acquisition Policy, GSA Acquisition Policy Division (MVP), 1800 F Street, NW, Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia L. Davis, GSA Acquisition Policy Division, (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Background

The GSAR is proposed to amended to supplement the language provided in the FAR on the use of selection criteria for Architect-Engineer procurements. This proposed rule would eliminate unnecessary restrictions to competition in GSA's use of geographic limitations in the evaluation process for Architect-Engineer procurements.

B. Executive Order 12866

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

D. Paperwork Reduction Act

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

List of Subjects in 48 CFR Part 536

Government Procurement.

Accordingly, 48 CFR part 536 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 536 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

2. Part 536 is proposed to be amended by adding Subpart 536.6 to read as follows:

Subpart 536.6—Architect—Engineer Services

536.602 Selection of firms for architect-engineer contracts.

536.602–1 Selection criteria.

(a) FAR 36.602–1 requires that agencies include ''location in the general geographical area of the project and knowledge of locality of the project'' as one of several selection criteria.

(1) This evaluation factor shall not be used as a minimum qualification requirement for determining whether a firm is eligible to compete for a proposed project.

(2) This factor shall not exceed 5 percent of the total weight of all evaluation criteria. In order to receive the maximum score for this factor, the architect-engineer firm(s) must demonstrate that at least 35 percent of the architect-engineer contract services (based on the total contract price) will be accomplished with the geographical boundaries established for the project.

(3) Under an approved class deviation from FAR 36.602–1(a)(5), this factor does not apply to projects determined by the Chief Architect of GSA to be of national significance.

(b) The public announcement (Commerce Business Daily notice) for a proposed project should identify the general geographical area of the project by either:

(1) A radius in miles or other appropriate unit of measure; or,

(2) The Standard Metropolitan Statistical Area, county(ies), state(s) surrounding the project, or other appropriate geographic boundaries.

(c) Architect-engineer selections under the Design Excellence Program shall apply the geographical evaluation criteria in the second phase.

(d) The public announcement (Commerce Business Daily notice) may require the architect-engineer of record to establish a significant production capability within the general geographical area of the project within 45 calendar days after contract award.

Dated: July 28, 1999.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 99–21319 Filed 8–16–99; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[I.D. No. 120197A]

Designated Critical Habitat; Re-opening of Comment Period and Notice of Public Hearing on Proposed Revision of Critical Habitat for Snake River Spring/Summer Chinook Salmon

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

ACTION: Public hearing and re-opening of public comment period.

SUMMARY: NMFS is re-opening the public comment period until September

8, 1999, and announcing a public hearing on a proposed regulation to revise critical habitat for Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*).

DATES: The public hearing date is Tuesday, August 31, 1999, 6:30 p.m. to 9:00 p.m local time. Written comments on the proposed rule must be received on or before September 8, 1999.

ADDRESSES: The hearing will be held at the Natural Resource Center, Bureau of Land Management, 1387 South Binnell Way, Boise, Idaho. Written comments should be sent to: Garth Griffin, NMFS, Protected Resources Division, 525 NE Oregon St. - Suite 500, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin at (503) 231–2005, or Chris Mobley at (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 1999, NMFS published a proposal to revise critical habitat for threatened Snake River spring/summer chinook salmon (64 FR 29618). The proposed revision would specifically exclude areas upstream of Napias Creek Falls (located on a tributary to Panther Creek, in Lemhi County, Idaho) as critical habitat for the species. NMFS has received a request from the Shoshone-Bannock Tribes for a public hearing on the proposal. The agency finds the request to be reasonable and, hereby, announces a public hearing and re-opens the comment period until September 8, 1999, to allow time to conduct the hearing and solicit additional public comment.

NMFS is soliciting information, comments and/or recommendations on any aspect of this proposal from all concerned parties (see **ADDRESSES**); comments must be received by September 8, 1999. In particular, NMFS is requesting any data, maps, or reports describing areas of the Napias Creek watershed that currently or historically supported chinook salmon populations and that may require special management considerations. NMFS will consider all information received before reaching a final decision.

Special Accommodations

This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other aids should be directed to Garth Griffin (see **ADDRESSES**) by August 24, 1999.

Dated: August 9, 1999.

Art Jeffers,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–21323 Filed 8–16–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 64, No. 158

Tuesday, August 17, 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

Agricultural Marketing Service

[Docket No. ST–99–005]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection in support of the Regulations Governing the Plant Variety Protection Act.

DATES: Comments on this notice must be received by October 18, 1999.

FOR FURTHER INFORMATION CONTACT: Ann Marie Thro, Commissioner, Plant Variety Protection Office, Science & Technology, AMS, USDA, NAL Building, Room 500, 10301 Baltimore Boulevard, Beltsville, MD 20705–2351, (301) 504–5518, or Fax: (301) 504–5291.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing the Application for Plant Variety Protection Certificate and Reporting Requirements under the Plant Variety Protection Act.

OMB Number: 0581–0055.

Expiration Date of Approval: February 28, 2000.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Plant Variety Protection Act (''PVPA'') (7 U.S.C. 2321 *et seq.*) was established ''To encourage the development of novel varieties of sexually reproduced plants and make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promote progress in agriculture in the public interest.''

The PVPA is a voluntary user funded program which grants intellectual property rights protection to breeders of new, distinct, uniform, and stable seed reproduced and tuber propagated plant varieties. To obtain these rights the applicant must provide information which shows the variety is eligible for protection and that it is indeed new, distinct, uniform, and stable as the law requires. Application forms, descriptive forms, and ownership forms are furnished to applicants to identify the information which is required to be furnished by the applicant in order to legally issue a certificate of protection (ownership). The certificate is based on claims of the breeder and cannot be issued on the basis of reports in publications not submitted by the applicant. Regulations implementing the PVPA appear at 7 CFR part 92.

Form ST–470, Application for Plant Variety Protection Certificate, Form ST–470 series, Objective Description of Variety (Exhibit C to Form ST–470P), and Form ST–470–E, Statement of the Basis of Applicant's Ownership, are the basis by which the determination, by experts in the Plant Variety Protection Office (PVPO), is made as to whether a new, distinct, uniform, and stable seed reproduced or tuber-propagated variety in fact exists and is entitled to protection.

The application form would be revised slightly to clarify that applicants may specify not only that the variety be sold only as a class of certified seed (Foundation, Registered, or Certified) but that the applicant may specify a limitation on the number of generations within each class. The information received on applications, with certain exceptions, is required by law to remain confidential until the certificate is issued (7 U.S.C. 2426).

The information collection requirements in this request are essential to carry out the intent of the PVPA, to provide applicants with certificates of protection, to provide the respondents the type of service they request, and to administer the program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4 hours per response.

Respondents: Businesses or other for-profit, not-for-profit institutions, and Federal Government.

Estimated Number of Respondents: 116.

Estimated Number of Responses per Respondent: 3.49.

Estimated Total Annual Burden on Respondents: 1691 hours.

Copies of this information collection can be obtained from Lashawn Smith, Plant Variety Protection Office, at (301) 504–5518.

Comments are invited on: (a) Whether the collection of the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581–0055 and be sent to: Ann Marie Thro, Commissioner, Plant Variety Protection Office, Science & Technology, AMS, USDA, NAL Building, Room 500, 10301 Baltimore Boulevard, Beltsville, MD 20705–2351. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: August 11, 1999.

William J. Franks, Jr.,

Deputy Administrator, Science and Technology.

[FR Doc. 99–21302 Filed 8–16–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Stewardship Contracting Pilot Projects: Multiparty Monitoring and Evaluation Process

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Section 347 of the FY 1999 Omnibus Appropriations Act authorizes the Forest Service to enter into 28 stewardship end results contracts. These contracts are intended to provide a means for pilot-testing an array of potential new authorities for giving national forest managers greater administrative flexibility to improve forest conditions and potentially help meet the needs of local communities. One of the key provisions of the statute, embodied in subsection (g) of the Act, is a provision requiring the establishment of a process for multiparty monitoring and evaluation of the stewardship contracts. The Forest Service hereby gives notice that a draft framework for multiparty monitoring and evaluation has been developed and is now available for public review and comment.

DATES: Comments must be received, in writing, on or before September 16, 1999.

ADDRESSES: Written comments on this proposal may be sent to Cliff Hickman, USDA Forest Service, Forest Management Staff, Mail Stop 1105, P.O. Box 96090, Washington, D.C. 20090–6090 or electronically to chickman/wo@fs.fed.us.

FOR FURTHER INFORMATION CONTACT: Cliff Hickman, Forest Management Staff, (202) 205–1162, or chickman/wo@fs.fed.us. Electronic copies of the Act, and of this proposed framework for multiparty monitoring and evaluation, may be obtained via the INTERNET at www.fs.fed.us/land/fm/stewardship.

SUPPLEMENTARY INFORMATION: Section 347 of the FY 1999 Omnibus Appropriations Act (Act) authorizes the Forest Service to implement up to 28 stewardship end results contracts. The Forest Service provided background information about the provisions of Section 347 and its progress in implementing the legislation, in a notice that appeared in the July 9, 1999, issue of the **Federal Register** (64 FR 37096). That notice identified the stewardship pilot projects that the agency had already selected. This notice sets out the proposed framework and requests public comment. A notice summarizing the public comment and the agency's response to that comment will be published along with the finalized framework.

The framework that the agency proposes to use to comply with the requirements of subsection (g) of Section 347 of the Act consists of two parts: (1) A process for securing multiparty monitoring and evaluation, and (2) a set of criteria to be considered during monitoring and evaluation. Besides ensuring proper documentation of any treatments and their resulting environmental effects, the proposed framework is intended to provide an objective basis for assessing the implications of the stewardship pilots regarding the following:

(1) The potential advantages of greater collaboration during period planning and implementation;

(2) The potential for new authorities to facilitate efficient implementation of desired ecosystem restoration, maintenance, or protection activities; and

(3) The potential of stewardship contracting to help meet the needs of local communities.

This proposed framework represents only one option for satisfying the multiparty monitoring and evaluation requirement of the Act. It is designed to comply with the provisions of the Federal Advisory Committee Act (FACA). The proposed framework is being developed to facilitate the data inventory required by Section 347 of the Act and is not a public information survey. Comments and suggestions on this proposal and on other ways to accomplish multiparty monitoring and evaluation, that would be in compliance with FACA requirements, are requested.

Proposed Process

At the national level, a single Advisory Committee will be established under the provisions of the Federal Advisory Committee Act (FACA). The framework proposes establishing two types of teams at the local (project) level: (1) Data Inventory teams, and (2) Assessment and Evaluation Teams. Due to the composition, duties, and purpose of these teams, FACA chartering is not required. Additional details concerning the structure and functions of these proposed groups are provided below:

Local Data Inventory Teams. Each forest with a stewardship pilot project will be responsible for organizing a team of interested publics to gather the data needed to assess project and program results. These teams will operate under the direction of a Forest Service employee who will encourage participation of all team members, develop monitoring methods, schedule team assignments, compile and validate the team's data, and interact, as needed, with the appropriate Assessment and Evaluation Team. Where a Forest has more than one pilot project, separate Data Inventory teams will be established to compile the relevant data for each project.

As the name suggests, the principal function of the Data Inventory teams will be to gather project (local) level data for analysis by the appropriate Assessment and Evaluation Team. The criteria that the Data Inventory teams will be required to consider are described under the subheading ''Criteria for Local Data Inventory Teams.'' Once validated, the facts gathered by the Data Inventory teams will be made available for public review and use.

The Data Inventory teams will be free to compile facts and other evidence deemed relevant by the responsible Assessment and Evaluation Team, but any additional data must be factual rather than interpretive data. Limiting the role of these teams to the compilation of factual evidence eliminates the need to establish a FACA committee. Participation on the teams will be open to all interested parties.

Local Monitoring Assessment and Evaluation Team. Each forest with a stewardship pilot project will be responsible for organizing a team of government employees, federal, state, local, or tribal. This Monitoring Assessment and Evaluation Team's tasks are to assess and evaluate the data compiled by the corresponding Data Inventory Team and, also, to formulate appropriate recommendations. The Assessment and Evaluation Teams will operate under the direction of a Forest Service employee, serving as chairperson. A non-Forest Service person will be selected as the vice-chairperson of the committee. If other governmental entities are unavailable or unwilling to participate in the evaluation process, a Forest Service team will be organized. Where a forest has more than one stewardship pilot, only one Assessment and Evaluation Team will be established to deal with all the projects on that forest.

As already suggested, a key function of the Assessment and Evaluation Teams will be to analyze and weigh the significance of the factual evidence compiled by the Data Inventory Teams. The criteria that the Assessment and Evaluation Teams will be required to consider are described under the subheading ''Criteria for Local Assessment and Evaluation Teams.'' These teams, at their discretion, will be free to develop other site-specific criteria that they deem relevant—e.g., additional criteria pertaining to forest conditions before and after treatment, effects on the local economy, and relations between and among community members, including the Forest Service. Finally, the Assessment and Evaluation Teams will be free to interact with the Data Inventory Teams and the National Advisory Committee, as needed.

The Assessment and Evaluation Teams will be responsible for making judgments, reaching conclusions, and formulating recommendations on the basis of the data assimilated. Because the teams, as envisioned in this proposal, will be comprised of government employees only, they qualify for the FACA requirement exemption, authorized by Section 204 of the Unfunded Mandates Act of 1995. Section 204 provides for the formation of intergovernmental committees to exchange official views concerning the implementation or administration of intergovernmental responsibilities.

A second key function of the local Assessment and Evaluation teams will be to prepare annual reports to the National Advisory Committee. Annual reports will be submitted to the National Advisory Committee within 60 days of the close of each fiscal year. In situations where a forest has more than one stewardship pilot, each project will be analyzed, evaluated, and discussed in a separate report.

The local Assessment and Evaluation Team reports will include the descriptive data that has been compiled by the local Data Inventory Teams, the responses to the criteria described under the subheading ''Critria for Local Assessmet and Evaluation Teams,'' and any other issues that the teams determine to be relevant.

The Assessment and Evaluation Teams will actively seek input from the public. Therefore, they will open their meetings to the public and give adequate notice of the times and locations of their meetings. Draft annual evaluation results will be shared with the public for comment by posting a notice of availability of the results in the local newspapers, posting the results on each forest's INTERNET website (if available), and by holding one or more public meetings. Public comments will be considered in preparing the annual reports to the National Advisory Committee. All public comments will be retained in the monitoring and evaluation file for each project.

National Advisory Committee. A FACA advisory committee will be chartered to monitor and evaluate the stewardship pilot program at the national level. The Forest Service will recommend potential National Advisory Committee members to the Office of the Secretary of USDA. Committee representation will reflect the need to represent all communities of interest and to ensure that there is balance in the views represented. To ensure a connection to the projects at the local level, at least two Committee members will be people serving on local monitoring and evaluation teams. This arrangement will help ensure that the broad array of criteria considered and the resulting recommendations present an accurate, coherent picture of what the section 347 stewardship pilots have actually accomplished and demonstrated. Notices concerning the National Advisory Committee's establishment, its membership, and meeting information will be published in the **Federal Register**. The Forest Service will provide organizational support to the National Committee.

The National Advisory Committee will be responsible for obtaining the information it needs from the local monitoring and evaluation teams and will interact with these teams as needed to discharge its duties. The Committee, at a minimum, will consider the criteria described under the subheading ''Criteria for the National Advisory Committee.'' These criteria focus on national issues, such as, whether national forest policies and priorities were advanced by the new authorities (processes and procedures) being tested, whether the interests of non-local publics were adequately considered, and whether agency accountability for actions and outcomes was appropriately maintained. The National Committee will also identify and evaluate the important ''lessons learned'' from the stewardship pilots; they will assess what worked well and what did not work well. As part of this process, they will describe any barriers that had to be overcome or that prevented smooth implementation of the pilot projects.

The National Advisory Committee will be responsible for preparing annual reports to the Forest Service's Washington Office Forest Management Staff. The Committee's reports will form the basis for the Forest Service's required annual reports to Congress.

The Committee's annual reports are to be completed within 60 days of its receiving the reports from the local Assessment and Evaluation Teams. These reports will contain a compilation of descriptive data pertaining to such things as: the acreages treated for different purposes; the costs incurred; the sources of project funding; the types of products produced; the revenues generated; the types of collaborators involved in project planning, implementation, and monitoring; the roles played by different collaborators; and the processes and procedures that were tested. The reports also will address the information requested by Congress, the criteria listed under the subheading ''Criteria for National Advisory Committee,'' and any other issues that the National Committee determines to be important.

Other Process Principles. Other principles guiding the monitoring and evaluation process include the following:

* All monitoring and evaluation teams will be structured so as to encompass a diverse mix of resource management skills.

* As needed and as is reasonable, the Forest Service will compensate monitoring and evaluation team members for any travel costs that they incur as a result of their service to the agency.

* All monitoring and evaluation team members will be encouraged to network with their constituents and bring new information and issues forward.

* Whenever possible, pilots will be designed to include two types of controls: (1) areas where no vegetative treatment is occurring, and (2) areas where standard timber sale and/or service contracting procedures are being observed.

Proposed Criteria

To measure whether the new authorities have achieved the desired results, four categories of criteria will be considered by the different monitoring and evaluation (ME) groups. These categories are: (1) Biophysical critiera, (2) economic criteria, (3) social criteria, and (4) administrative criteria.

Within each category, some of the criteria call for compiling numerical or descriptive data, while other criteria require that some aspect of a pilot project's performance be assessed. As noted earlier, to assure compliance with FACA requirements, the local Data Inventory Teams will consider only the criteria calling for numerical or descriptive responses. Within this constraint, and recognizing that there may be certain questions that may be relevant in some, but not all, situations, it is proposed that all teams be free to entertain questions beyond those listed. In all instances, however, the criteria that are listed, as a minimum, would be addressed by the designated groups. In addition to addressing the criteria set-forth, the local Data Inventory Teams will be encouraged to establish photo points that will record the condition of the landscape, before, during, and after project implementation.

Criteria for the Local Data Inventory Teams. The local Data Inventory Teams will answer, at a minimum, the 16 criteria listed in this section. Additional criteria may be added, but they must be of an objective, factual nature.

Biophysical Criteria will include:

(1) The stated purpose and need for the project.

(2) The project objectives.

(3) The land management treatments being applied. All treatments applied in connection with a particular are to be considered, including: the mileage of road maintained or obliterated; the mileage of trails maintained or obliterated; the acreage of soil and water improvement; the acreage of terrestrial habitat restored or enhanced; the mileage of stream habitat restored or enhanced; the acreage of fuels management by mechanical means and/or prescribed burning; the acreage treated to decrease insect, disease, or fire risks, and/or to enhance forest health; and the acreage of noxious and/or exotic weed control. For each treatment that is applied, the local Data Inventory teams with gather data on the accomplishments realized to date using regular appropriations, the exchange of goods for services, or retained receipts.

Economic Criteria will include:

(4) The total project costs, and the breakdown of these costs into the following categories: formal project planning and NEPA (including citizen/public involvement in the process); sale/contract preparation; sale/contract administration; citizen involvement (during project implementation); monitoring, evaluation & reporting (including citizen involvement in this process); and other (to be specified).

(5) The funding of project implementation, and the breakdown of this funding into the following categories: exchange of goods for services; retained receipts; regular appropriations; cooperator contributions (cash); cooperator contributions (materials or in-kind services); and other funding sources (to be specified). For appropriated funds, the local Data Inventory teams will show the amounts provided from each of the Forest Service's recognized fund codes.

(6) The types and amounts of forest products produced, including: sawtimber; pulpwood; posts and poles; and different types of special forest products (ferns, pine boughs, pine straw, mushrooms, etc.). In all instances, producttt amounts will be expressed in terms of commonly recognized units.

(7) The total project receipts, and the proportion of these receipts attributable to: timber products; special forest products; and other products (to be specified).

(8) The disposition of the project receipts, showing the amounts: returned to Treasury; exchanged for services; retained and reinvested; or distributed in some other manner (to be specified).

(9) The manner in which the pilot changed employment or entrepreneurial opportunities in the local community.

(10) The special skills required of a contractor for the project.

(11) The difficulties encountered in hiring contractors with the needed skills.

(12) The average wage paid in connection with the project and whether this wage rate represented woods a worker, service contract, or Davis-Bacon wage rate.

(13) The duration of the contract for this project and whether the contract period was longer or shorter than what is common with conventional timber sale or service contract projects.

Social Criteria will include:

(14) The individuals and/or groups (other than the Forest Service) who collaborated in planning, implementing, or monitoring the project, and the manner in which they were selected.

(15) The roles that each collaborator performed.

Administrative Criteria will include:

(16) The new processes and/or procedures that were used in connection with the project. The possibilities to be considered include: awarding of contracts on a ''best value'' basis (specify how ''best value'' was determined); designation by prescription; end results contracting; exchange of goods for services; retention of receipts; use of an appraisal method other than standard procedures (method to be specified); offering sales (appraised value of over $10,000) without advertisement; using state foresters as federal agents; using service contracts of over 5 years duration; using contract logging with subsequent sale of the cut products; or using some other new process or procedure (to be specified).

Criteria for the Local Assessment and Evaluation Teams. The local Assessment and Evaluation teams will use the evidence compiled by the local Data Inventory teams to, as a minimum, address the 14 criteria that follow. The Assessment and Evaluation teams may consider any additional criteria that they deem relevant.

Biophysical Criteria will include:

(1) An assessment as to whether the stated purposes and needs for the project were fulfilled and the basis for the conclusion.

(2) An assessment as to whether the resource management objectives of the project were realized and an explanation for the conclusion.

(3) An assessment as to whether the Forest Service was able to do a better job of ecosystem management by giving a single contractor the responsibility for a ''bundled group'' of resource work activities (e.g., timber extraction, watershed restoration, habitat improvement, and road obliteration) on the project area and an explanation of the conclusion.

Economic Criteria will include:

(4) An assessment as to whether employment opportunities for local communities were enhanced as a result of the project and the basis for the conclusion.

(5) An assessment as to whether the prevailing wage rate in the local community was enhanced as a result of the project and the basis for the conclusion.

Social Criteria will include:

(6) An assessment as to whether the dynamics of the collaborative process permitted all interested parties to participate and the basis for the conclusion.

(7) An assessment as to whether and how collaboration facilitated planning, implementing, and monitoring for the project.

Administrative Criteria will include:

(8) An assessment as to whether difficulties were experienced in interpreting or implementing the Section 347 authorities.

(9) An assessment as to whether the project planning and implementation timelines were being met and what contributed to that outcome.

(10) An assessment as to how the new processes and/or procedures that were tested in this project compare to the Forest Service's conventional timber sale or service contract authorities. As appropriate, in making that determination, the teams will consider the following performance variable: attractiveness to potential bidders; fairness to potential bidders; implications for the Forest Service's ability to maintain accountability for the treatments being applied and the forest products being removed; implications for the Forest Service's ability to implement ecosystem management projects efficiently and effectively; implications for the Forest Service's ability to successfully manage small diameter, under-utilized material; the ease of administration; the agency's ability to help meet the needs of rural, resource dependent communities; and their performance with regard to any other indicators deemed to be relevant.

(11) An assessment as to how useful the new, tested authorities were overall and the team's recommendations for applying the authorities more broadly.

(12) An assessment as to what other legislative, regulatory, or administrative changes would have helped make the project more effective.

(13) An assessment as to what type of contractual non-compliance problems occurred, if any, and how expeditiously they were resolved.

(14) A recommendation as to what should be done differently on another pilot project.

Criteria for the National Advisory Committee. The National Advisory Committee will be required to address the following nine criteria. Some of the criteria are the same as those asked at the local level. Where this is the case, the duplication is deliberate and reflects the belief that these criteria have relevancy at both levels. The national team members, like their local counterparts, will be free to address other criteria that they deem to be relevant; however, it is worth noting that their ability to do so may be constrained by the nature of the data compiled locally.

Biophysical Criteria will include: Based on the collective experience of the pilot projects;

(1) A determination as to whether the stated purposes and needs for the projects were fulfilled and an explanation for the conclusion.

(2) A determination as to whether the resource management objectives of the projects were realized and the basis for the conclusion.

(3) An assessment as to whether the Forest Service was able to do a better job of ecosystem management by giving a single contractor the responsibility for a ''bundled group'' of resource work activities (e.g., timber extraction, watershed restoration, habitat improvement, and road obliteration) on the project area and an explanation for the conclusion.

Economic Criteria will include: Based on the collective experience of the pilots:

(4) A determination as to whether any of the new processes and procedures that were tested appear to represent effective ways to create new or enhance existing employment or entrepreneurial opportunities in local communities.

(5) A determination of what administrative costs were incurred at the regional and national levels in order to carry out the stewardship pilots.

Social Criteria will include: Based on the collective experience of the pilots:

(6) An assessment as to what steps were taken to ensure that regional and/or national publics were not excluded or placed at a disadvantage in the collaborative process, and a determination of whether the steps taken were effective.

(7) A determination as to the potential for stewardship contracting to improve the quality of life within local resource-dependent communities (jobs, environmental conditions, economic infrastructure, etc.).

Administrative Criteria will include: Based on the collective experience of the pilots:

(8) An assessment as to what difficulties were experienced in interpreting or implementing the Section 347 authorities.

(9) An assessment as to how the new processes and/or procedures that were tested compare to the Forest Service's conventional timber sale or service contract authorities. As appropriate, in making these determinations, the committee will consider the following performance variables: attractiveness to potential bidders; fairness to potential bidders; implications for the Forest Service's ability to maintain accountability for the treatments being applied and the forest products being removed; implications for the Forest Service's ability to implement ecosystem management projects efficiently and effectively; implications for the Forest Service's ability to successfully manage small diameter, under-utilized material; ease of administration; ability to help meet the needs of rural, resource dependent communities; and any other indicators deemed to be relevant.

Lastly, the National Advisory Committee will make a recommendation for which of the new authorities that were tested appear to warrant broader application on a permanent basis.

Dated: August 10, 1999.

Phil Janik,

Acting Chief.

[FR Doc. 99–21247 Filed 8–16–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of process to revoke export trade certificate of review No. 88–00011.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Abdullah Diversified Marketing, Inc. (''ADMI''). Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to ADMI.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (''the Act'') (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III (''the Regulations'') are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on October 19, 1988 to ADMI.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to ADMI on October 9, 1998, a letter containing annual report questions with a reminder that its annual report was due on December 3, 1998. Additional reminders were sent on February 10, 1999, and on March 16, 1999. The Department has received no written response to any of these letters.

On August 11, 1999, and in accordance with Section 325.10 (c)(1) of the Regulations, a letter was sent by certified mail to notify ADMI that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they

are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: August 11, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–21258 Filed 8–16–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent 5,389,523, titled, ''Liposome Immunoanalysis By Flow Injection Assay'', filed July 23, 1992; NIST Docket No. 92–054C to Kalibrant Limited, having a place of business at 2 Oakwood Drive, Loughborough Park, Loughboro, Leics LE11 3NH, United Kingdom. The grant of the license would be for the following fields of use (1) Human Clinical Diagnostics and Prognostics Including Central Lab Testing and Blood Screening/Typing, specifically excluding Point-of-Care Patient Monitoring, (2) Drug Discovery Including Combinatorial Chemistry and High Throughput Screening Applications.

FOR FURTHER INFORMATION CONTACT: J. Terry Lunch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899–2200.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register**, Vol. 57, No. 226 (November 23, 1992). NIST and Kalibrant Limited may enter into a Cooperative Research and Development Agreement (CRADA) to further development of the invention.

U.S. Patent application 07/917,426 is owned by the U.S. Government, as represented by the Secretary of Commerce. The present invention relates to a method of immunoanalysis that combines immobilized immunochemistry with the technique of flow injection analysis, and employs microscopic spherical structures called liposomes, or lipid vesicles, as carriers of detectable reagents. Liposomes are modified on their surface with analytical reagents, and carry in their internal volume a very large number of fluorescent or electroactive molecules. Aspects of this embodiment of the invention include chemistry for covalent immobilization of antibody fragments in a specified orientation, the use of liposomes in a flow injection analysis system, and with reusable immunoreactants. Another aspect of the invention involves the non-covalent binding of liposomes to a receptor for use in a homogeneous assay. In another aspect of the invention the intensity of scattered light is quantitated as a measure of liposome aggregation in response to a concentration-dependent immunospecific reaction.

Dated: August 9, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–21205 Filed 8–16–99; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Notice of test program.

SUMMARY: The Department of Defense is amending its Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans to reflect the implementation of the HUBZone Act of 1997 in the Federal Acquisition Regulation (FAR) which results in the addition of HUBZone small businesses to the categories of small business concerns that must be addressed by comprehensive small business subcontracting plans.

EFFECTIVE DATE: August 17, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Ivory Fisher, Office of Small and disadvantaged Business Utilization, OUSD (A&T) SADBU, 1777 North Kent Street, Suite 9100, Arlington, VA 22209, telephone (703) 588–8616, telefax (703) 588–7561.

SUPPLEMENTARY INFORMATION:

A. Background

In accordance with Section 834 of Public Law 101–189, as amended, the Department of Defense (DoD) established a Test Program for negotiation of Comprehensive Small Business Subcontracting Plans (the Program) to determine whether the use of comprehensive subcontracting plans on a corporate, division, or plant-wide basis would increase subcontracting opportunities for small business concerns. DoD is amending the Program to implement the requirements to Section 822 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). The amendments (1) provide for subcontracts that are awarded by participating contractors performing as subcontractors, under DoD contracts, to be included in comprehensive small business subcontracting plans, and (2) extend the Program through September 30, 2000.

Ivory Fisher,

Office of Small and Disadvantaged Business Utilization.

The revised test plan is as follows:

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

I. Purpose

This document implements Section 834 of Public Law 101–189, the National Defense Authorization Act for Fiscal Years 1990 and 1991, as amended. The

primary purpose of the Comprehensive Small Business Subcontracting Plan Test Program (the Program) is to determine whether the negotiation and administration of comprehensive small business subcontracting plans will reduce administrative burdens on contractors while enhancing subcontracting opportunities for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under Department of Defense (DoD) contracts.

II. Authority

The Program is established pursuant to Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, as amended.

III. Program Requirements

A. The Program shall be conducted from October 1, 1990, through September 30, 2000.

B. The selection of contractors for participation in the Program shall be in accordance with Section 811(b)(3) of the National Defense Authorization Act For Fiscal Year 1996, Public Law 104–106. Eligible contractors are large business concerns at the major (total) corporate level that, during the preceding fiscal year:

1. Were performing under at least three DoD prime contracts; furnished supplies or services (including professional services) to DoD, engaged in research and development for DoD, or performed construction for DoD; and were paid $5,000,000 or more for such contract activities; and

2. Achieved a small disadvantaged business (SDB) subcontracting participation rate of 5 percent or more during the preceding fiscal year. However, this requirement does not apply to the eight original contractors accepted into the Program. Additionally, a large business with an SDB subcontracting participation rate of less than 5 percent during the preceding fiscal year may request, through the designated contracting activity, to participate in the Program if the firm submits a detailed plan with milestones leading to attainment of at least a 5 percent SDB subcontracting participation rate by September 30, 2000.

C. Contractors selected for participation shall:

1. Be eligible in accordance with paragraph III(B);

2. Establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the Standard Form (SF) 295 during the preceding fiscal year, except that a division or plant that historically reported through a higher-level division, but would meet the criteria of paragraph III(B)(2), shall be permitted to participate in the Program if the lower-level division, plant or profit center can demonstrate a 5 percent or greater subcontract performance level with SDB concerns;

3. Have reported to DoD on the SF 295 for the previous fiscal year, except as provided in paragraph III(C)(2);

4. Accept an SDB goal for each fiscal year of not less than 5 percent, or an SDB goal that is in accordance with the milestone established under paragraph III(B)(2);

5. Comply with the requirements of Defense Federal Acquisition Regulation Supplement (DFARS) Section 215.605 for source selection purposes;

6. Offer a broad range of subcontracting opportunities;

7. Voluntarily agree to participate; and

8. Have at least one active contract that requires a subcontracting plan at the designated DoD buying activity responsible for negotiating the Comprehensive Subcontracting Plan.

IV. Elements of the Comprehensive Small Business Subcontracting Plan

A. The comprehensive small business subcontracting plan shall address each of the 11 elements set forth in paragraph (d) of the clause at FAR 52.219–9, ''Small Business Subcontracting Plan.''

1. The subcontracting plan, percentage and corresponding dollar goals for awards to small business, HUBZone small business, small disadvantaged business and women-owned small business concerns shall be developed by the contractor for its entire business operation in support of all DoD contracts and subcontracts under DoD contacts regardless of dollar value.

2. Participating contractors shall include separate specific goals and timetables for the awarding of subcontracts in two industry categories which have not historically been made available to small business and small disadvantaged business concerns. These industry categories will be recommended by the contractor and approved by the contracting officer. Subcontract awards made in support of the specific industry categories shall also count towards attainment of the overall small business and small disadvantaged business goals.

3. The subcontracting plan shall set forth the prime contractor's actions to publicize prospective subcontract opportunities for small business, HUBZone small business, small disadvantaged business and women-owned small business concerns.

B. Subcontracting plans to be established under the Program shall be submitted each year by participating contractors to the designated contracting officer 45 days prior to the end of the Government's fiscal year (September 30). However, new contractors requesting participation under the Program shall submit contracting plans to the contracting officer as far in advance as possible to the beginning of the fiscal year in which the contractor proposes to participate.

V. Procedures

A. The Service Acquisition Executive within each military department and defense agency having contractors that meet the requirements of paragraphs III (B) and (C) shall designate at least three but not more than five contracting activities to participate in the Program. In selecting the contracting activities to participate in the Program, the Service Acquisition Executive shall ensure that the designated activities cover a broad range of supplies and services.

B. The designated contracting activity will accomplish the following:

1. With the coordination of the Director, Office of Small and Disadvantaged Business Utilization, for their military department or defense agency, select as many eligible prime contractors (at least five) for participation under the Program as deemed appropriate.

2. Establish a ''Comprehensive Small Business Subcontracting Plan'' negotiating team(s) composed as follows:

a. A contracting officer(s) who will be responsible for negotiation and approval of the comprehensive subcontracting plan(s) as well as the responsibilities at FAR 19.705.

b. The contracting activity's Small and Disadvantaged Business Utilization Specialist.

c. The Small and Disadvantaged Business Utilization Specialist of the cognizant contract administration activity that administers the preponderance of the selected prime contractor's contracts and/or the appropriate individuals who will administer contractor performance under the test in accordance with FAR 19.706 and the provisions herein.

d. Production specialist, price analyst and other functional specialists as appropriate.

C. The designated contracting officer shall:

1. Encourage prime contractors interested in participating in the

program to enter the program on a plant or facility basis.

2. Solicit proposed comprehensive subcontracting plans from selected contractor(s) as soon as possible and by July 1, annually thereafter.

3. By October 1, and annually thereafter, review, negotiate and approve on behalf of DoD a comprehensive subcontracting plan for each selected contractor.

4. Distribute copies of the approved subcontracting plan in accordance with paragraph VI(A).

5. Upon negotiation and acceptance of the comprehensive subcontracting plan, obtain from the contractor:

a. A listing of all active DoD contracts that contain individual subcontracting plans required by Section 211 of Public Law 95–507.

b. The listing shall include the following:

i. Contract number.

ii. Name and address of the contracting activity.

iii. Contracting officer's name and phone number.

6. Upon receipt of the information provided by the participating contractor under paragraph V(C)(4), direct the designated administrative contracting officer to issue a comprehensive change order, which modifies all of the contractor's active DoD contracts that include subcontracting plans. The modification will substitute the contractor's approved comprehensive subcontracting plan for the individual plans, will substitute the clause at DFARS 252.219–7004 for the clause at FAR 52.219–9, and will delete the clauses at FAR 52.219–10 and 52.219–16 and DFARS 252.219–7003 and 252.219–7005, as appropriate.

7. Review annually, with the contract administration activity, the contractor's performance under the plan. Document the review findings and distribute, in accordance with paragraph VI(A), within 45 days of the end of the fiscal year.

8. By November 15 of the year after acceptance, and annually thereafter, determine whether the contractor has met its comprehensive subcontracting goals. If the goals have not been met, determine whether there is any indication that the contractor failed to make a good faith effort and take appropriate action.

9. By December 15, 2000, prepare and submit a report on each participating contractor's performance which details the results of the Program. The report must compare the contractor's performance under the Program with its performance for the three fiscal years prior to acceptance into the Program. The report distribution will be in accordance with paragraph VI(A).

D. Participating contractors:

1. Shall establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the SF 295 during the preceding fiscal year, except that those contractors that historically reported through a higher headquarters can elect to participate as a separate (lower-level) reporting profit center, plant or division if the contractor achieved an SDB subcontracting performance rate of 5 percent or greater in the preceding fiscal year.

2. Upon negotiation of an acceptance comprehensive subcontracting plan, shall be exempt from individual contract-by-contract reporting requirements for DoD contracts and subcontracts under DoD contracts unless otherwise required in accordance with paragraph III(C)(5).

3. Shall continue individual contract reporting on non-DoD contracts.

4. Shall comply with the flow-down provisions of Section 211 of Public Law 95–507 for large business subcontractors which are not participating in the Program. Consequently, large business concerns which are not participating in the Program receiving a DoD subcontract in excess of $500,000 ($1,000,000 for construction) are required to adopt a plan similar to that mandated by the clause at FAR 52.219–9. Participating contractors are prohibited from flowing down the ''Comprehensive'' subcontracting deviation provisions of DFARS 252.219–7004. Accordingly, large business subcontractors to the participating contractors who themselves are not participating in the Program shall be required to establish individual subcontracting plans with specific goals for awards to small business, small disadvantaged business and women-owned small business concerns.

5. Upon expulsion from the Program or Program termination on September 30, 2000, shall negotiate and establish individual subcontracting plans on all future DoD contracts that otherwise meet the requirements of Section 211 of Public Law 95–507.

VI. Monitoring and Reporting of Comprehensive Subcontracting Plans and Goals

A. Upon negotiation and acceptance of comprehensive subcontracting plans and goals, the designated activity shall immediately forward one copy of the plan to each of the following:

1. Director, Office of Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (Acquisition and Technology), 1777 North Kent Street, Suite 9100, Arlington, VA 22209.

2. Director, Small and Disadvantaged Business Utilization, for the military department or defense agency of the activity that negotiated and accepted the comprehensive subcontracting plan.

3. The cognizant contract administration office.

B. Each participating contractor shall complete the SF 295 ''Summary Subcontract Report'' in accordance with the instructions on the back of the form on a semi-annual basis, except as noted below:

1. One copy of the SF 295 and attachments shall be submitted to Director, Office of Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (Acquisition and Technology), 1777 North Kent Street, Suite 9100, Arlington, VA 22209.

2. Participating contractors shall enter in Item 14 Remarks block the annual corporate, division or plant-wide small business, small disadvantaged business and women-owned small business percentage and corresponding dollar goals.

3. Participating contractors shall also enter separately in Item 14 the percentage and corresponding dollar goals for each of the two selected industry categories (see paragraph IV(A)(2)).

4. Participating contractors shall also enter separately in Item 14 on a semi-annual cumulative basis the percentage and corresponding dollar amount of subcontract awards made in each of the two selected industry categories.

5. Participating contractors shall be exempt from the completion of SF 294 ''Subcontract Report For Individual Contracts'' for DoD contracts during their participation in the Program.

Dated: August 11, 1999.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 99–21232 Filed 8–16–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of

information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Associated Form, and OMB Number: Armed Forces Health Professions Loan Repayment Program Loan Information and Verification Form; DD Form 2801; OMB Number 720—[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden Per Response: 30 minutes.

Annual Burden Hours: 50.

Needs and Uses: Title 10, U.S.C., requires applicants to submit this form, to their Service representative, prior to participation in the Health Loan Repayment Program (HPLR). Lenders will verify the data submitted and respond back to the Service Representative. All loans must meet federal standards and be approved by the Defense Finance and Accounting Service prior to disbursement of funds.

Affected Public: Individuals or households; Business or Other For-Profit.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Ms. Allison Eydt.

Written comments and recommendations on the proposed information collection should be sent to Ms. Eydt at the Office of Management and Budget, Desk Officer for DoD (Health Affairs), Room 10235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 11, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–21233 Filed 8–16–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–27]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperative Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–27 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 11, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

2 AUG 1999
In reply refer to:
I-99/009077

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99-27, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Brazil for defense articles and services estimated to cost $39 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 99-27

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Brazil

(ii) Total Estimated Value:

Major Defense Equipment*	$ 33 million
Other	$ 6 million
TOTAL	$ 39 million

(iii) Description of Articles or Services Offered: Twenty HARPOON missiles, containers, spare and repair parts, support and test equipment, supply support, publications, personnel training and training equipment, U.S. Government personnel, contractor technical assistance and other related elements of logistics support.

(iv) Military Department: Navy (AHG)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See annex attached.

(vii) Date Report Delivered to Congress: 2 AUG 1999

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Brazil - HARPOON Missiles

The Government of Brazil has requested a possible sale of 20 HARPOON missiles, containers, spare and repair parts, support and test equipment, supply support, publications, personnel training and training equipment, U.S. Government personnel, contractor technical assistance and other related elements of logistics support. The estimated cost is $39 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the South America.

Brazil will use these missiles on their four leased frigates and augment their inventory anti-ship warfare capability. Brazil will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Boeing Military Aircraft and Missile, St. Louis, Missouri. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two U.S. Government representatives for one week in Brazil. There will be ten U.S. Government and contractor representatives for one week intervals twice annually to participate in program management and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The HARPOON missile contains sensitive technology and has the following classified components, including applicable technical and equipment documentation and manuals:

a. Guidance Section Components

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Brazil can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This possible sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc 99–21234 Filed 8–16–99; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Defense Policy Board Advisory Committee

SUMMARY: The Defense Policy Board was renewed, effective August 3, 1999, in consonance with the public interest, and in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act.''

The DPBAC provides the Secretary of Defense, Deputy Secretary of Defense and Under Secretary of Defense (Policy) advice on a wide range of critical issues, including arms control, the momentous changes in Europe and Russia, the future prospects for conflict or cooperation in East Asia, and the situation in the Persian Gulf and Southwest Asia.

The DPBAC will continue to be composed of a balanced membership of approximately twenty five persons, including representatives of academia, active managers of high technology enterprises, eminent analysts working on current defense issues, retired senior military officers and former government officials.

FOR FURTHER INFORMATION: Contact Mjr. Cheryl Shumate, Defense Policy Board Advisory Committee, (703) 697–4557.

Dated: August 11, 1999.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–21230 Filed 8–16–99; 8:45 am]
BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms will meet in open session on August 17–18, 1999 at the Institute for Defense Analyses in Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call Commander Brian D. Hughes at (703) 695–4157.

Dated: August 11, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–21231 Filed 8–16–99; 8:45 am]
BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense, Advisory Committee on Women in the Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming Quarterly Executive Committee Meeting

of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Executive Committee Meeting is to review the responses to the recommendations and requests for information adopted by the committee at the DACOWITS 1999 Spring Conference.

DATES: September 13, 1999, 8:00 a.m.–4:00 p.m.

ADDRESSES: OSD Conference Room 1E801, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Major Susan E. Kolb, ARNGUS, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: Meeting agenda:

Monday September 13, 1999

Time and Event

8:00 a.m.—Chair Commences Meeting, Acting AASD(FMP) Remarks, Introduction of Executive Committee And MilReps/Liaisons (1E801–Rms 2 and 3)
8:15 a.m.—Submarine Personnel Assignment (Forces Development and Utilization RFI#1) (1E801–Rms 2 and 3) (Open to Public)
9:15 a.m.—Break
9:30 a.m.—TRICARE PRIME Access (Quality of Life RFI#2) (1E801–Rms 2 and 3) (Open to Public)
11:00 a.m.—Break
11:30 a.m.—Offical Luncheon with DSCPERS (DACOWITS Members only)
1:15 p.m.—Study of Investigative Practices of Military Criminal Investigative Organizations Relating To Sex Crimes (Quality of Life RFI#1) (1E801–Rms 2 and 3) (Open to Public)
2:30 p.m.—Break
2:45 p.m.—EEO Survey Questions (Open to Public)
3:15 p.m.—Fall Conference Overview and Wrap Up (Open to Public)
4:00 p.m.—Depart the Pentagon

Dated: August 11, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–21229 Filed 8–16–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Marine Corps

Privacy Act of 1974; System of Records

AGENCY: Marine Corps, DoD.

ACTION: Amend records systems.

SUMMARY: The U.S. Marine Corps proposes to amend systems of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: These actions will be effective without further notice on September 16, 1999 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Head, FOIA and Privacy Act Section, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. B. L. Thompson at (703) 614–4008 or DSN 224–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed actions are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the record systems being amended are set forth below followed by the notices, as amended, published in their entirety.

Dated: August 11, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

MMN00002

SYSTEM NAME:

Listing of Retired Marine Corps Personnel *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete the second, third, and fourth paragraphs.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.'

* * * * *

MMN00002

SYSTEM NAME:

Listing of Retired Marine Corps Personnel.

SYSTEM LOCATION:

Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Department of Veterans Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is a microfiche listing derived from automated sources depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of all retired members for use in determination of benefits and entitlements as a retiree.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

RETRIEVABILITY:

Listing in alphabetical order, with officer personnel listed separate from enlisted personnel.

SAFEGUARDS:

Building employs security guards. Distribution is strictly controlled.

RETENTION AND DISPOSAL:

Destroyed upon being superseded by updated monthly listing.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.

The letter should contain the full name and signature of the requester.

Individuals may visit the installation at 3280 Russell Road, Quantico, VA 22134-5103 on normal work days between 8:00 a.m. and 4:30 p.m. Proof of identification may consist of individual's active, reserve or retired identification card, Armed Forces Report of Transfer or Discharge (DD Form 214), discharge certificate, driver's license or other data sufficient to ensure that the individual is the subject.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103.

The letter should contain the full name and signature of the requester.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps and the Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00034

SYSTEM NAME:

Personnel Procurement Working Files *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

SYSTEM LOCATION:

After the words 'Personnel Procurement Branch,' add 'Commanding General, Marine Corps Recruit Depots/Western and Eastern Recruiting Region.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

RETRIEVABILITY:

Delete the entry and replace with 'Information retrieved alphabetically by the last name of individual, according to program.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records maintained for two years from application, then they are destroyed.'

* * * * *

MMN00034

SYSTEM NAME:

Personnel Procurement Working Files.

SYSTEM LOCATION:

Headquarters, U.S. Marine Corps, Personnel Procurement Branch, Commanding General, Marine Corps Recruit Depots/Western and Eastern Recruiting Region, Marine Corps Districts, Recruiting Stations, Officer Selection Offices, Organized Marine Corps Reserve units, U.S. Marine Corps recruiting substations, Inspector-Instructor staff.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and prior service individuals who are prospective applicants for enlistment in the Marine Corps, Marine Corps Reserve or a Marine Officer program, individuals on which a written waiver for enlistment has been requested; Platoon Leader Class Candidates receiving financial assistance while attending college; all individuals applying for various officer programs; Marine Corps Reserve enlistees who are serving on their 6 months active duty prior to return to Organized Marine Corps Reserve unit maintaining their record; Personnel enlisted in the Marine Corps Reserve assigned to a formal school upon enlistment; Secondary school students who participated in the Marine Corps Youth Physical Fitness meet held annually in Washington, DC, and the coach fielding each team; any individual recommended for enlistment in the Marine Corps by a recruiting officer even though the applicant does not meet the enlistment requirements set forth in current guidance as set forth by the Commandant of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

All files contain name (last, first, middle, (maiden, if any), Jr., Sr.), Social Security Number, home of record. Files relating specifically to enlistment or officer procurement contain citizenship, sex, race, ethnic group, present address, marital status, number of dependents, date of birth, religious reference, highest grade completed, selective service system data, foreign language and skill, driver's license information, mental and aptitude test results, medical examination result, delayed enlistment program information, accession data, educational experience, citizenship verification, history of prior military service, names of relatives to include date and place of birth, present address and citizenship, listing of commercial life insurance policies and number, relatives and alien friends living in foreign countries to include name and relationship, age, occupation, address and citizenship, all previous residences since 10th birthday, previous employment record to include company name and address, job title and supervisor's name, data concerning previous employment by foreign governments, prior membership in youth programs, history of foreign travel. Declarations from the individual concerning; previous rejection by the Armed Forces of the United States, conscientious objector status, previous deserter status, retired pay, disability allowance, or severance pay or a pension from the Government of the United States, status as only child; understandings by the applicant; date of interview and name, organization, title of interviewer; history of prior use of drugs except as prescribed by a licensed

physician; martial status and dependency; membership in groups for purpose of unlawful overthrow of the Government; history and record of involvement with police or judicial authorities; parental/guardian consent for enlistment; enlistment options; current income; whether own, buying or renting present residence; outstanding debts to include total amounts and monthly payments; status of savings account and checking account; spouses' employment and monthly income; police checks, character references; record of prior service; court documents; marriage certificates; birth certificates; record of medical record of medical examination; record of examination; record of medical history; consultations statement of personal history; divorce decrees; death certificates; photographs; high school diploma; college diploma; grade transcript; General Educational Development certificates of high school equivalency; sole surviving son statements; statement of understanding; wife's consent form; applications for General Educational Development certificates of high school equivalency. Files relating to Marine Corps personnel on active duty contain information pertaining to name, Social Security Number, sex, unit of assignment, home of record, education, Armed Services Vocational Aptitude Battery Test scores, vision, military occupational specialty training information, Quota Serial Number, training authorized.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record on individuals for use in the execution of Official duties with regard to personnel procurement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information retrieved alphabetically by the last name of individual, according to program.

SAFEGUARDS:

Access is limited to Reserve unit command, recruiting, and administrative personnel and law enforcement or Federal agents upon presentation of proper credentials.

After working hours the office and building is locked.

RETENTION AND DISPOSAL:

Records maintained for two years from application, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visiting the Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name and military status. Proof of identity may be established by military identification card or DD 214 or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visiting the Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name and military status. Proof of identity may be established by military identification card or DD 214 or driver's license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

High school lists, DD 214's prospect interviews/referrals, local newspapers, youth fitness programs, individual contacts, Marine Corps officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00019

SYSTEM NAME:

Equipment and Weapons Receipt or Custody Files *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

MIL00019

SYSTEM NAME:

Equipment and Weapons Receipt or Custody Files.

SYSTEM LOCATION:

System is decentralized. Records are maintained at Marine Corps commands, organizations, or activities that issue said equipment or weapons.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

System contains name, rank, Social Security Number, unit address, and date.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains name, rank, Social Security Number, itemized list of equipment issued, date issued, and possibly unit and section/Department to which assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of individuals who have government property in their possession for use in the management of that property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binder, file folder, box, vertical card file, or index cards.

RETRIEVABILITY:

Records are filed alphabetically by name.

SAFEGUARDS:

After working hours, the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

These records are destroyed upon the return of the property listed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity.

Provide full name and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity.

Provide full name and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is entered by visual certification of property, issued and identification presented by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00021

SYSTEM NAME:

Working Files, Division Supply Sections and Wing Supply Sections *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

RETENTION AND DISPOSAL:

Delete the last two paragraphs and replace with 'Investigations - Two years after the end of the fiscal year in which the investigation as completed. All files are destroyed after being maintained the required time.'

* * * * *

MIL00021

SYSTEM NAME:

Working Files, Division Supply Sections and Wing Supply Sections.

SYSTEM LOCATION:

Division Supply Section, Regiments, Battalions, Separate Companies, Wing Supply Sections, Groups, Separate Squadrons

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel responsible for government property, reimbursing government for damages/loss of property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Custody Records (ECR) - This file contains the date, voucher number, remarks, quantity, signature, control number, description and unit.

Memorandum Receipt for Individual/ Garrison Equipment (IMR) - This file includes the name, grade, Social Security Number, date, organization, signature and unit.

Memorandum Receipt for Individual Weapons and Accessories - This file includes the name, grade, Social Security Number, organization, signature and unit.

Personal Effects Log - This file includes the date, name, Social Security Number, grade and signature.

Letter of Appointment/Authorization - These files include the date, name, grade, Social Security Number, description of duties/authorizations and sample signature.

Voucher Files - Cash Collection - This file includes the name, grade, Social Security Number, unit, description of sales and signature.

Voucher Files - Investigations - This file includes the name, grade, Social Security Number of investigating officer, subject, serial number, date investigation received, date sent to unit for correction (if applicable), due date to be returned and remarks. File also contains a copy of the investigation.

Special Order Clothing - This file includes the name, rank, Social Security Number, msg number, individual unit, and remarks regarding receipt of clothing.

Base Property Log - Contains a list of names of personnel who have lost and paid for government property.

Serialized Blank Forms Register - Contains a listing of personnel by name who issue/receive serialized blank forms.

Quarterly Inventory of Sets, Chests and Kits - Contains a file of inventories made on contents of sets, chests and kits including the name, rank and Social Security Number of the individual inventorying property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record, by units, of supplies, property and responsible property management personnel for maintenance and accountability of government property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ECR - Vertical file cards.

IMR; Individual Weapons and Accessories, Special Clothing - card file.

Personal Effects; Investigation; Base Property Log; Serialized Blank Forms Register-Log Book.

Letters of Appointment/ Authorization; Voucher Files, investigations; Quarterly inventories of Sets, Chests and Kits - paper records in file folders.

RETRIEVABILITY:

ECR - filed by unit or responsible officer.

IMR; Individual Weapons and Accessories; Special Clothing - filed alphabetically by name.

Personal Effects, Investigation Log; Letter of Appointment/Authorization; Voucher Files; Base Property Log; Serialized Blank Form Register; Quarterly Inventory of Sets, Chests and Kits - as it occurs by name.

SAFEGUARDS:

IMR; Individual Weapons and Accessories Records - maintained in secured area within armories accessible only to personnel authorized to be in the area.

ECR; Personal Effects Log; Letters of Authority; Voucher Files; Investigations; Special Clothing; Base Property Log; Serialized Blank Forms Register; Quarterly Inventory of Sets, Chests and Kits - Personnel within supply/S–4 sections authorized access, no special safeguard implemented.

RETENTION AND DISPOSAL:

ECR; IMR; Weapons Custody Records; Special Clothing retain until accountable balance is zero.

Personal Effects Log; Quarterly Inventory of Sets, Chests and Kits - one year.

Letters of Appointment/Authorization - five (5) years.

Voucher Files; Investigation Log; Base Property Log; Serialized Blank Forms - two years.

Investigations - Two years after the end of the fiscal year in which the investigation as completed.

All files are destroyed after being maintained the required time.

SYSTEM MANAGER(S) AND ADDRESS:

Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name and grade of the individual as well as the unit to which he is/was attached which would reflect information pertaining to him.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name and grade of the individual as well as the unit to which he is/was attached which would reflect information pertaining to him.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and/or individual's SRB or OQR or other listing unit may have which contains required information.

Incoming messages for Special Order Clothing.

Base Locator.

Completed investigations submitted.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00003

SYSTEM NAME:

Magistrate Court Case Files *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Files maintained for two years after case closed, then retired to Federal Records Center.'

* * * * *

MJA00003

SYSTEM NAME:

Magistrate Court Case Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, complaints, summons and warrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of summons, warrants, investigative reports and complaints for use by military prosecutors in the preparation of cases of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name. Conventional indices are required for retrieval.

SAFEGUARDS:

Maintained in file cabinet in locked building.

RETENTION AND DISPOSAL:

Files maintained for two years after case closed, then retired to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in the system should address written inquires to the Commanding Officer of the Marine Corps installation concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems or records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Law enforcement reports, bad check transmittal letters from Government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00004

SYSTEM NAME:

In Hands of Civil Authorities Case Files *(February 22, 1993, 58 FR 10630).*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'File maintained by command until civil action resolved, then incorporated into Official Military Personnel File (OMPF).'

* * * * *

MJA00004

SYSTEM NAME:

In Hands of Civil Authorities Case Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civil court documents, advise to respondent, health statements/certificates, written agreement releasing the Marine to civilian authorities and supporting documents pertaining to individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 814.

PURPOSE(S):

To provide a record of Marines in the hands of civil authorities for use in the administrative processing of such individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

SAFEGUARDS:

Files are stored in filing cabinets accessible only to authorized personnel. Doors are locked and full-time security guards are employed after normal working hours.

RETENTION AND DISPOSAL:

On discharge personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate or legal officer of the activity concerned.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Judge Advocate or legal officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the Staff Judge Advocate or legal officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester must be able to provide satisfactory identifying information.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Warrant for arrest, service records, health records, civil court documents, law enforcement personnel and various DOD agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00005

SYSTEM NAME:

Financial Assistance/Indebtedness/Credit Inquiry Files *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records maintained two years after issue closed, then destroyed.'

SYSTEM MANAGER(S) AND ADDRESS:

Add to entry 'U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.'

* * * * *

MJA00005

SYSTEM NAME:

Financial Assistance/Indebtedness/ Credit Inquiry Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines identified as owing debts and/or having dependents requiring financial aid.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, rank, Social Security Number, military occupational specialty component, marital and dependency status and supporting documents pertaining to indebtedness, financial assistance and credit inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of Marines identified as owing debts or having need for financial aid for use in processing correspondence relating to financial assistance, credit inquiry or indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number of the individual concerned.

SAFEGUARDS:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

RETENTION AND DISPOSAL:

Records maintained two years after issue closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester must be able to provide satisfactory identifying information.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Previous and current commanders, private individuals and commercial creditors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–21235 Filed 8–16–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Security Service

Privacy Act of 1974; System of Records

AGENCY: Defense Security Service, DoD.

ACTION: Notice to Amend Systems of Records.

SUMMARY: The Defense Security Service (DSS) is amending existing Privacy Act systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

In addition, the name of the agency is being changed to 'DEFENSE SECURITY SERVICE' in the preamble to the agency's compilation of systems of records notices.

DATES: The actions will be effective on September 16, 1999, comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Office of the General Counsel, Defense Security Service, 1340 Braddock Place, Alexandria, VA 22314-1651.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie Blake (703) 325-9450.

SUPPLEMENTARY INFORMATION: The Defense Security Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

In addition, the name of the agency is being changed to 'DEFENSE SECURITY SERVICE' in the preamble to the agency's compilation of systems of records notices.

Dated: August 11, 1999.

L. M. BYNUM,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions

V4–06

SYSTEM NAME:

Federal Personnel Management System (FPMS) *(February 22, 1993, 58 FR 10904).*

Reason: Records contained within this system of records are covered by multiple government-wide Privacy Act systems of records notices.

V7–02

SYSTEM NAME:

Guest/Instructor Identification Records *(February 22, 1993, 58 FR 10904).*

Reason: Records contained within this system of records have been incorporated into V7-01, entitled 'Enrollment, Registration and Course Completion Record'.

V8–01

SYSTEM NAME:

Industrial Personnel Security Clearance File *(February 22, 1993, 58 FR 10904).*

Reason: Records contained within this system of records have been incorporated into V5-03, entitled 'Case Control Management System'.

Amendments

V4–07

SYSTEM NAME:

Adverse Actions, Grievance Files, and Administrative Appeals *(August 9, 1993, 58 FR 42304).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations, Chapter 77; and E.O. 9397 (SSN).'

* * * * *

V4–07

SYSTEM NAME:

Adverse Actions, Grievance Files, and Administrative Appeals.

SYSTEM LOCATION:

Defense Security Service, Employee Relations Office, 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All agency employees and some former employees who are directly affected by grievances, complaints, and adverse actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and related records pertaining to administrative inquiries into allegations of misconduct, statements of witnesses, employee's statements, reports of interviews and hearings, hearing notices, letters of decision, records of appeals and reconsideration requests, reversals of actions, notices of proposed action with supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, Chapter 77; and E.O. 9397 (SSN).

PURPOSE(S):

Records are used in the investigation and preparation of a case for initial disposition, and possible subsequent determinations in the event of appeal or reconsideration. Records are available for use by the examiner of the original case, or at the appellate level, both within and outside DSS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked containers accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Disciplinary action files are destroyed four years after the case is closed. Grievance and administrative appeals files are destroyed four years after the case is closed. Letters of Reprimand are destroyed within two years of the date the case is closed. Performance-based action files are destroyed one year after the case is closed. Destruction is accomplished by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Chief, Employee Relations Office, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

Individuals need to provide full name and all maiden and alias names under which files may be maintained. *Note: Social Security Numbers may be necessary for positive identification of certain records.*

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Supervisors, complainants, investigators, and appropriate law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–11

SYSTEM NAME:

DSS Drug–Free Workplace Files *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Replace first sentence with 'Records are destroyed after two years.'

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V4–11

SYSTEM NAME:

DSS Drug–Free Workplace Files.

SYSTEM LOCATION:

Defense Security Service, Employee Relations Office, 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions with, the Defense Security Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and urinalysis testing of employees and applicants for illegal drug use; collection authentication and chain of custody documents; and laboratory test results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Pub. L. 100–71; E.O. 12564, Drug-Free Federal Workplace and 9397 (SSN); and Department of Defense Directive 1010.9, DoD Civilian Employee Drug Abuse Testing Program.

PURPOSE(S):

The system contains Drug Program Coordinator records on the selection, notification, and testing (i.e., urine specimens, drug test results, chain of custody records, etc.) of employees and applicants for employment for illegal drug use.

Records contained in this system are also used by the Defense Security Service's Medical Review Officer; the Administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and supervisory or management officials having authority to recommend or take adverse actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

In order to comply with provisions of 5 U.S.C. 7301, the DSS 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on diskettes or other machine-readable media.

RETRIEVABILITY:

Records are retrieved by employee or applicant name, Social Security Number, collection site, and/or date of testing.

SAFEGUARDS:

Paper records and diskettes are maintained in locked containers accessible only to authorized personnel. All employee and applicant records are maintained and used with the highest regard for the individual's privacy. Only persons with a need-to-know and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Records are destroyed after two years. Records regarding applicants not accepted for employment will be destroyed 6 months after the testing date. Destruction of paper records is accomplished by shredding or burning. Electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Chief, Employee Relations Office, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

The individual must provide their full name, Social Security Number, the title, series, and grade of the position they occupied or applied for when the drug test was conducted, and the month and year of the test.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

The request for access must contain the individual's full name and Social Security Number.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Urine specimen collection facilities, drug testing laboratories, Medical Review Officers, and test subjects.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V5–01

SYSTEM NAME:

Investigative Files System *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'Personnel Security Investigative File Automation Subsystem'.

SYSTEM LOCATION:

Delete entry and replace with 'Defense Security Service, Investigative Files Division, P.O. Box 46060, Baltimore, MD 21240-6060.'

* * * * *

STORAGE:

Delete entry and replace with 'Records are maintained on magnetic media to include disk, tape and microfilm. Some paper records may still exist on cases which have not yet been converted to magnetic media and on records containing classified information.'

RETRIEVABILITY:

Delete entry and replace with 'Information is retrieved Social Security Number.'

SAFEGUARDS:

Delete entry and replace with 'Completed investigative records are stored in secured areas accessible only to authorized DSS personnel who have a need-to-know. Paper records are maintained in safes and locked rooms and magnetic media records are protected from access by 'fail-safe' system software. The entire building housing these records are controlled by guards/visitor register.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Defense Security Service, Director, Operations Center Baltimore, P.O. Box 46060, Baltimore, MD 21240-6060.'

* * * * *

V5–01

SYSTEM NAME:

Personnel Security Investigative File Automation Subsystem.

SYSTEM LOCATION:

Defense Security Service, Investigative Files Division, P.O. Box 46060, Baltimore, MD 21240-6060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who are active duty; applicants for enlistment or appointment; members of Reserve units; National guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from nonappropriated funds who have DoD affiliation; ROTC cadets; former military personnel; and individuals residing on, have authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROIs) prepared by DSS or other DoD, federal, state, or local official investigative activities; industrial security administrative inquiries (AISs).

Attachments to ROIs or AISs including exhibits, subject or interviewee statements, police records, medical records, credit bureau reports, employment records, education records, release statements, summaries of, or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but which serve as the basis for investigation, or which serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case; and documents initiated by the subject.

DSS file administration and management documents accounting for the disclosure of, control of, and access to a file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employment; DoD Directive 5105.42, Defense Security Service; DoD Directive 5200.2, Department of Defense Personnel Security Program; DoD Directive 5200.27 (Section IV A and B), Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense; DoD Directive 5220.6, Defense Industrial Personnel Security Clearance Program Review; DoD Directive 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP-ESI Program for Contractor Employees, and 18 U.S.C. 3056, Powers and Duties of the Secret Service and E.O. 9397 (SSN).

PURPOSE(S):

To ensure that the acceptance or retention of persons in sensitive DoD positions or granting individuals including those employed in defense industry access to classified information is clearly consistent with national security.

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056, Powers and Duties of the Secret Service.

For use in criminal law enforcement investigations, including statutory violations and counterintelligence as well as counterespionage and other security matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements.

For dissemination to federal agencies or other DoD components when information regarding personnel security matters is reported by Information Summary Report.

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic media to include disk, tape and microfilm. Some paper records may still exist on cases which have not yet been converted to magnetic media and on records containing classified information.

RETRIEVABILITY:

Information is retrieved Social Security Number.

SAFEGUARDS:

Completed investigative records are stored in secured areas accessible only to authorized DSS personnel who have a need-to-know. Paper records are maintained in safes and locked rooms and magnetic media records are protected from access by 'fail-safe' system software. The entire building housing these records are controlled by guards/visitor register.

RETENTION AND DISPOSAL:

Retention of closed DSS investigative files is authorized for 15 years maximum, except as follows:

(1) Files which have resulted in final adverse action against an individual will be retained 25 years;

(2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from the requester for which the investigation was conducted. If the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from he requester for which the investigation was conducted. If the appointment is not made for another reason not related to the investigation, the file will be destroyed within one year upon notification from the requesting agency service;

(3) Files concerning unauthorized disclosure of classified information and other specialized investigation files will be retained for 15 years; and

(4) Information within the purview of the Department of Defense Directive 5200.27, Acquisition of Information concerning Persons and Organizations not Affiliated with the Department of Defense, is destroyed within one year after acquisition by DSS unless its retention is required by law or unless its

retention has been specifically authorized by the Secretary of Defense or his designee;

(5) Reciprocal investigations are retained for only 60 days; and

(6) Partial duplicate records of personnel security investigations are retained for 60 days by DSS field elements.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Director, Operations Center Baltimore, P.O. Box 46060, Baltimore, MD 21240-6060.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should send written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1615.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquires to the Defense Security Service, Privacy Act Branch, PO Box 46060, Baltimore, MD 21240-6060.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Privacy Act Branch, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria VA 22314-1651.

RECORD SOURCE CATEGORIES:

Subjects of investigations, records of other DoD activities and components, Federal, state, county, and municipal records, employment records of private business and industrial firms. Educational and disciplinary records of schools, colleges, universities, technical and trade schools. Hospital, clinic, and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks, and other financial institutions which maintain credit information on individuals.

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims, and confidential sources.

The interview of any individuals deemed necessary to complete the DSS investigation.

Miscellaneous directories, rosters, and correspondence.

Any other type of record deemed necessary to complete the DSS investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506, may be exempt pursuant to 5 U.S.C. 552a(k)(3).

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V5–02

SYSTEM NAME:

Defense Central Index of Investigations (DCII) *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'Defense Clearance and Investigations Index (DCII)'.

SYSTEM LOCATION:

Delete entry and replace with 'Primary location: Defense Security Service, Operation Center-Baltimore, 881 Elkridge Landing Road, Linthicum, MD, 21090-2902.

Secondary locations: Air Force (Headquarters 497th IG/INS); Air Force Office of Special Investigations; Army Central Clearance Facility; Army Crime Records Center; Army Investigative Records Repository; Defense Intelligence Agency; Defense Office of Hearings and Appeals; DoD Inspector General; Joint Staff; National Reconnaissance Office; National Security Agency; Naval Criminal Investigative Service; Navy Central Adjudicative Facility; U.S. Coast Guard; and the Washington Headquarters Services. For specific addresses of the secondary locations, please contact the Primary location.

CATEGORIES OF RECORDS IN THE SYSTEM:

In 1st sentence delete 'DCII MASTER INDEX'. At the end of the 1st paragraph add 'The index may also include investigative record information/ clearance data submitted by other Federal agencies (i.e. National Security Agency, Coast Guard).'

In paragraph 5, add 'NAC Histories that were opened after January 4, 1999 will reflect investigations for subjects that do not require a clearance (e.g. Red Cross or USO personnel being assigned with the Armed Forces overseas).'

Replace paragraph 6 with 'CLEARANCE TRACING: A record of a clearance determination by an adjudicative agency. It identifies the individual by name and personal identifiers, the agency that submitted the clearance entry, the date it was granted, the eligibility level of the clearance, the level of access granted, the access granted date, the type and date of the investigation that formed the basis for the clearance determination, the category of the subject, the separation date and any files used in the adjudicative process.

DCII IMPERSONAL TITLE TRACING: A record of organizations, contractor locations and incidents that were subjects of DoD investigations or DSS Facility NACs. There have been no new impersonal titles added to the DCII since April 19, 1997, when DSS stopped conducting Facility NACs.'

* * * * *

STORAGE:

Delete entry and replace with 'The DCII is stored on disk within a Corporate Database (CDB). The CDB has a mirrored structure (duplicate file) to provide immediate recovery in case of disk failure. It is regularly backed up onto magnetic tape for storage as a contingency in case of system of disk failure.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'The DSS facility housing the DCII is protected by security personnel (guards) at all times. Access to the computer room is controlled by combination lock and identification badges, which are issued only to authorized individuals. Generalized validation is provided through online and batch edit criteria that must be honored before an information request or update will occur. Identification (account codes and passwords) and authentication is required at the DSS firewall and again at the database before information can be accessed. All data transfers and information retrievals that use remote communication facilities are encrypted. Activities must be a part of DoD/Federal Government and accredited on the basis of authorized requirements before a new terminal is established or before batch request will be honored and processed. Organizations authorized access are responsible for ensuring that individuals and organizations to whom they disclose DCII information have appropriate authority and need-to-know.'

* * * * *

V5–02

SYSTEM NAME:

Defense Clearance and Investigations Index (DCII).

SYSTEM LOCATION:

Primary location: Defense Security Service, Operation Center-Baltimore, 881 Elkridge Landing Road, Linthicum, MD, 21090-2902.

Secondary locations: Air Force (Headquarters 497th IG/INS); Air Force Office of Special Investigations; Army Central Clearance Facility; Army Crime Records Center; Army Investigative Records Repository; Defense Intelligence Agency; Defense Office of Hearings and Appeals; DoD Inspector General; Joint Staff; National Reconnaissance Office; National Security Agency; Naval Criminal Investigative Service; Navy Central Adjudicative Facility; U.S. Coast Guard; and the Washington Headquarters Services. For specific addressees of the secondary locations, please contact the Primary location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person described as a subject or a victim or who is a cross-reference in an investigation completed by or for a DoD investigative organization when that investigation is retained by the organization and the name is submitted for central indexing.

CATEGORIES OF RECORDS IN THE SYSTEM:

The index is composed of investigations conducted by DoD investigative organizations, locator references to such investigations, and security clearances granted by DoD components. Records contain names and other personal identifying information on individuals, including security clearance data on Department of Defense contractor employees who are indexed. The index may also include investigative record information/clearance data submitted by other Federal agencies (i.e. National Security Agency, Coast Guard).

FILE TRACING: Reference to an investigation maintained by one of the investigative records repositories. It identifies the individual by name and personal identifiers, the custodian of the file, the year indexed, and the number used by the repository to locate the file.

OPEN CASE TRACING: A record input by DoD investigative activities or the National Security Agency reflecting the existence of an investigation in progress. It identifies the subject individual by name and personal identifiers, the location of the open investigation, the year indexed, and the number used to locate the investigative number.

NAC PENDING TRACING: Record of a National Agency Check (NAC) investigation in progress. It identifies the subject individual by name, personal identifiers, the case number, the category of the requester of the NAC, and the type of NAC being run.

NAC HISTORY TRACING: A record of completed favorable, or incomplete, national agency checks. It identifies the individual by name and personal identifiers, the date the NAC was completed, and the agencies that were checked. NAC Histories that were opened after January 4, 1999 will reflect investigations for subjects that do not require a clearance (e.g. Red Cross or USO personnel being assigned with the Armed Forces overseas).

CLEARANCE TRACING: A record of a clearance determination by an adjudicative agency. It identifies the individual by name and personal identifiers, the agency that submitted the clearance entry, the date it was granted, the eligibility level of the clearance, the level of access granted, the access granted date, the type and date of the investigation that formed the basis for the clearance determination, the category of the subject, the separation date and any files used in the adjudicative process.

DCII IMPERSONAL TITLE TRACING: A record of organizations, contractor locations and incidents that were subjects of DoD investigations or DSS Facility NACs. There have been no new impersonal titles added to the DCII since April 19, 1997, when DSS stopped conducting Facility NACs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employment; DoD Directive 5200.2, DoD Personnel Security Program (32 CFR part 156); DoD Directive 5105.42, Defense Security Service; and E.O. 9397 (SSN).

PURPOSE(S):

To determine the existence and location of DoD investigative records for granting clearances, for access to defense installations, and for entry into military service or employment in sensitive civilian positions; and to reflect security clearance information pertaining to DoD Components and Defense contractor personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The DCII is stored on disk within a Corporate Database (CDB). The CDB has a mirrored structure (duplicate file) to provide immediate recovery in case of disk failure. It is regularly backed up onto magnetic tape for storage as a contingency in case of system of disk failure.

RETRIEVABILITY:

Index records are accessed through name and at least one personal identifier (PID). Personal identifiers are: date of birth, place of birth, and Social Security Number. Inquiries may enter the system by being keyed in at remote terminals. A nonstandard retrieval capability also exists which permits retrieval without PID or on parts of a name and produces references to all individuals by that name. It should be noted that in many cases the subject's SSN is necessary to make a positive identification. Name Only Index records

are accessed through the name or some portion thereof. Records are retrieved based on an exact match with the name submitted. Inquiries are made by local and remote terminals via compliant client-server software.

SAFEGUARDS:

The DSS facility housing the DCII is protected by security personnel (guards) at all times. Access to the computer room is controlled by combination lock and identification badges, which are issued only to authorized individuals. Generalized validation is provided through online and batch edit criteria that must be honored before an information request or update will occur. Identification (account codes and passwords) and authentication is required at the DSS firewall and again at the database before information can be accessed. All data transfers and information retrievals that use remote communication facilities are encrypted. Activities must be a part of DoD/Federal Government and accredited on the basis of authorized requirements before a new terminal is established or before batch request will be honored and processed. Organizations authorized access are responsible for ensuring that individuals and organizations to whom they disclose DCII information have appropriate authority and need-to-know.

RETENTION AND DISPOSAL:

OPEN CASE TRACINGS are retained for as long as the investigation is open. Upon completion of the investigation, the open case tracings are replaced by a file tracing.

FILE TRACINGS are retained for a period corresponding to the retention of investigative files described in DSS Personnel Security Investigative File Automation Subsystem. However, each agency has the responsibility of deleting their own file tracings.

NAC PENDING TRACINGS are retained until completion of the NAC. At that time they are replaced by a NAC history tracing.

NAC HISTORY TRACINGS are automatically deleted 15 years from the date of completion of the NAC. Specific action may be taken to delete the record sooner. A subsequent favorable NAC will be entered as a new history record and automatically delete the previous history record.

CLEARANCE TRACINGS are maintained until deleted by the submitting agency. For DSS this is when the clearance is denied, revoked or no longer needed by the subject (death or separation from service/employment).

DCII IMPERSONAL TITLE TRACINGS are retained for a period corresponding to the retention of investigative files described in the DSS Personnel Security Investigative File Automation Subsystem (V5-01).

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Secretary of Defense (C3I), Deputy Director for Personnel Security, 3040 Defense Pentagon, Washington, DC 20301–3040.

Defense Security Service, Director, Operations Center Baltimore, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Security Service, Privacy Act Branch, P.O. Box 46060, Baltimore, MD 21240-6060.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Privacy Act Branch, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01-13: 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

RECORD SOURCE CATEGORIES:

DoD investigative organizations listed in the 'System location' caption (excluding DISCO); Defense Logistics Agency, ATTN: DLAH-T; Director of Security, National Security Agency, ATTN: M–552, Fort Meade, MD 20755; Assistant Chief of Staff of Intelligence (ACSI), Department of the Army, ATTN: Counterintelligence Division, Washington, DC 20314.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V5–04

SYSTEM NAME:

Counterintelligence Issues Database (CII-DB) *(October 3, 1995, 60 FR 51781).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Defense Security Service, Information Assurance and Counterintelligence Office (IACI), 1340 Braddock Place, Alexandria, VA 22314–1651.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add to the end of the entry 'Persons who have solicited from industrial contractors/DoD installations information which may appear to be sensitive in nature'.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Defense Security Service, Information Assurance and Counterintelligence, 1340 Braddock Place, Alexandria, VA 22314–1651.'

* * * * *

V5–04

SYSTEM NAME:

Counterintelligence Issues Database (CII-DB).

SYSTEM LOCATION:

Defense Security Service, Information Assurance and Counterintelligence Office (IACI), 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons of Counterintelligence interest in the following categories: Military personnel who are on active duty; applicants for enlistment or appointment; members of Reserve units; National Guard members; DoD civilian personnel, who are paid with

appropriate or non appropriated funds; industrial or contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross; ROTC cadets; former military personnel and individuals residing on, have authorized official access to, or conducting, operating any business or other functions at any DoD installation or facility. Persons who have solicited from industrial contractors/DoD installations information which may appear to be sensitive in nature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records involving either suspected or actual Counterintelligence (CI) issues detected in Personnel Security Investigations (PSI) or Industrial Security Administrative Inquires (AI). The database will include subject name, title, origin of the issue, location of employment, residence, country, date action was received, date action was closed, agency where action was referred, narrative summary of issue, identity of any additional sources (person/agency/company) who may of provided DSS with CI information, type of action, type of issue, agent's name, company name, target technology, country of origin and miscellaneous agents notes and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employment; DoD Directive 5200.2, Department of Defense Personnel security Program; DoD Dir 5200.27 (Section IV A and B), Acquisition of information concerning Persons and organizations not affiliated with the DoD; DoD Dir 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP-ESI program for contractor employees.

PURPOSE(S):

Provides a central database to document, refer, track, monitor and evaluate CI indicators/issues surfaced during PSI and through AIs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized database, paper records, microfilm, diskettes, are maintained at the IACI.

RETRIEVABILITY:

Information in the automated system is retrieved through any entry in the data base to include name and file number.

Paper files are retrieved by name or file number.

SAFEGUARDS:

Paper records are contained and stored in regulation safes , filing cabinets and on magnetic tape which is located in a secure area with limited access. The database is maintained in secure office space with password entry to the system. Access is provided on a need-to-know basis only.

RETENTION AND DISPOSAL:

Automated records are maintained for 15 years. CI paper records relating to the automated system and not associated with a PSI will be retained for one year; Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed.

Information within the purview of DoD Directive 5200.27 will be retained no longer than one year.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Information Assurance and Counterintelligence, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria VA 22314–1651.

Requesters should provide full name and any former names used, date and place of birth, and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Security Service, Office of FOI and PA, Alexandria, VA 22314–1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01-13: 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

RECORD SOURCE CATEGORIES:

Federal, State and local law enforcement/intelligence agencies; Industrial Security Administrative inquiries and Personnel Security Investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1-R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506, may be exempt pursuant to 5 U.S.C. 552a(k)(3).

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V6–01

SYSTEM NAME:

Personnel Security Files (PSF) *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

STORAGE:

Delete entry and replace with 'Paper records in file folders. Electronic

records are maintained in disk, magnetic tapes.'

* * * * *

V6–01

SYSTEM NAME:

Personnel Security Files (PSF).

SYSTEM LOCATION:

Primary location: Defense Security Service, 1340 Braddock Place, Alexandria, VA 22314-1651.

Secondary locations: Defense Security Service Operating Locations, Operations Center-Baltimore and Operations Center-Columbus. Specific addresses can be obtained from the Primary location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Every Defense Security Service employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Certificates of Personnel Security Investigation, Certificates of Security Clearance and Access Authorization, Adjudicative Summary Sheets, Sensitive Compartmented Information (SCI) Access Records, certificates of clearance for other agencies, Security Briefing Statements, security clearance downgrade and discontinuation statements, Security Termination Statement and Debriefing Certificates, Defense Clearance and Investigations Index (DCII) check results, requests for Personnel Security Investigations, Badge and Credential receipts, and related documents which may vary in certain cases. Personal identifying data to confirm identities is also contained in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD Regulation 5200.2, DoD Personnel Security Program; DSS Regulation 25–3, Personnel Security Program, and E.O. 9397 (SSN).

PURPOSE(S):

Files are used during an individual's employment with the agency to provide a basis for determining eligibility for assignment to, or retention in, a sensitive position; granting security clearance; evidence of clearance and access to classified defense information; and to verify security clearance information of individuals visiting other offices regarding classified matters. File information may be provided to other authorized government departments, agencies or offices when a change of the individual's employment is considered.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. Electronic records are maintained on disk and magnetic tapes.

RETRIEVABILITY:

Paper records are filed alphabetically by last name and by location (Operating Location). Summary data is retrievable by Social Security Number or by name.

SAFEGUARDS:

All system records are maintained in locked security containers accessible only to authorized personnel. Summary data is accessed only by authorized personnel using assigned system passwords.

RETENTION AND DISPOSAL:

Records are kept for two years after termination of an individual's employment with DSS. Longer retention, not to exceed five years after termination of employment, may be approved by the Chief, Office of Security, DSS. Paper records are destroyed by burning or shredding; electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Chief, Office of Security, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

A request for information must contain the full name and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01-13: 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual, summaries of information from background investigations of the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V7–01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Primary location: Defense Security Service, Training Office, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Decentralized location: Department of Defense Polygraph Institute. Specific address can be obtained from the Primary location.'

* * * * *

STORAGE:

Delete entry and replace with 'Records are retained in electronic format on disk and magnetic tape. Some hard copy paper records still exist and are maintained in file folders.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Data is retrievable by Social Security Number or by student's name.'

SAFEGUARDS:

Delete entry and replace with 'Paper records are maintained in locked security containers accessible to only authorized personnel. Only authorized

personnel using assigned system passwords access electronic data.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Electronic and paper records are retained for ten years at which time they are either erased from the system or destroyed by shredding.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Training Office, Defense Security Service, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Director, Department of Defense Polygraph Institute, Building 3195, Fort McClellan, AL 36205-5114.

* * * * *

V7–01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record.

SYSTEM LOCATION:

Primary location: Defense Security Service, Training Office, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Decentralized locations: Department of Defense Polygraph Institute. Specific addresses can be obtained from the Primary location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are scheduled for or who have attended courses of instruction offered by the DSS Training Office or DoD Polygraph Institute. Guest speakers and assigned instructors/faculty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information may include individual's name and other personal identifying and administrative data pertaining to attendance at the DSS Training Office or Polygraph Institute to include employer, course completion, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 9397 (SSN); E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Security Service; and DoD Directive 5200.32, Department of Defense Security Institute.

PURPOSE(S):

Used by DSS Training Office or Polygraph Institute personnel to prepare class rosters and provide basic administrative information on attendees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are retained in electronic format on disk and magnetic tape. Some hard copy paper records still exist and are maintained in file folders.

RETRIEVABILITY:

Data is retrievable by Social Security Number or by student's name.

SAFEGUARDS:

Paper records are maintained in locked security containers accessible to only authorized personnel. Only authorized personnel using assigned system passwords access electronic data.

RETENTION AND DISPOSAL:

Electronic and paper records are retained for ten years at which time they are either erased from the system or destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Training Office, Defense Security Service, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Director, Department of Defense Polygraph Institute, Building 3195, Fort McClellan, AL 36205-5114.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

A request for information must contain the full name and Social Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Privacy Act Branch, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01-13: 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

RECORD SOURCE CATEGORIES:

The student, his/her employer, and the DSS Training Office or Polygraph Institute.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V8–02

SYSTEM NAME:

Key Contractor Management Personnel Listing *(November 14, 1995, 60 FR 57229).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Primary location: Defense Security Service, Operations Center-Baltimore, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Remote terminals are located at Defense Security Service, Operations Center-Columbus, 3990 East Broad Street, Building 306, Columbus OH 43213–1138, and the Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.'

* * * * *

V8–02

SYSTEM NAME:

Key Contractor Management Personnel Listing.

SYSTEM LOCATION:

Primary location: Defense Security Service, Operations Center-Baltimore, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

Remote terminals are located at Defense Security Service, Operations Center-Columbus, 3990 East Broad Street, Building 306, Columbus OH 43213–1138, and the Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key management personnel of government contractor facilities which have been issued, now possess, are, or have been in process for a facility clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include individual's name, Social Security Number, date of birth, place of birth, citizenship, and date and level of security clearance granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12829; E.O. 9397 (SSN); E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Security Service; DoD Regulation 5200.2-R, DoD Personnel Security Program; and DoD 5220.22-M, National Industrial Security Program Operating Manual.

PURPOSE(S):

Records serve to provide a listing of key management personnel at civilian contractor facilities falling under the National Industrial Security Program for use by the Defense Security Service, Operation Center-Columbus. Information will be used to track, monitor and expedite personnel clearance processing of those personnel who require a security clearance in conjunction with the facility clearance in order to expedite initial facility clearance processing and to assist in maintaining facility clearances in a valid status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained in computer disk packs, magnetic tapes and associated data processing files.

RETRIEVABILITY:

Records are accessed by Social Security Number or name, or both.

SAFEGUARDS:

Specific codes are required to access the automated records.

RETENTION AND DISPOSAL:

Records are retained as long as the individual is a key management person at a DoD contractor facility in the National Industrial Security Program, and are destroyed immediately upon notification that the individual no longer occupies such a position. Electronic records are erased or overwritten.

EXCEPTION: Records released in accordance with the Privacy Act or the Freedom of Information Act are retained for two years from date of release.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Director, Operations Center-Baltimore, 881 Elkridge Landing Road, Linthicum, MD 21090-2902.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

A request for information must contain the full name and Social Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Reports from civilian contractors participating in the National Industrial Security Program. Business records of civilian contractors participating in the National Industrial Security Program. Federal, state, county and municipal records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V9–01

SYSTEM NAME:

Litigation Case Files *(February 22, 1993, 58 FR 10904).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations and DoD Directive 5105.42, Defense Security Service.'

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V9–01

SYSTEM NAME:

Litigation Case Files.

SYSTEM LOCATION:

Defense Security Service, Office of the General Counsel, 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indivduals who have been the subject of adverse actions generated by the agency employee relations process, Merit Systems Protection Board (MSPB) appellants and Equal Employment Opportunity Commission (EEOC) complainants, Freedom of Information Act (FOIA) and Privacy Act litigants, and individuals involved in litigation against DIS or other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal or factual memoranda, legal briefs, correspondence, decisions, claims, grievances, MSPB, EEO, FOIA and Privacy Act materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and DoD Directive 5105.42, Defense Security Service.

PURPOSE(S):

To collect documentation pertinent to litigation, disciplinary matters, and administrative actions concerning the Agency. Information is compiled to support various legal-related activities of the Department of Defense, Department of Justice, the Office of

Personnel Management, or other adjudicative agencies of the U.S. Government as may be necessary or required in the disposition of an individual case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders and electronic records.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are kept in locked cabinets and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are held 5 years after date of last action, then retired to the Washington National Records Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Office of the General Counsel, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security number of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Security Service, Privacy Act Office, 1340 Braddock Place, Alexandria, VA 22314-1651.

A request for information must contain the full name and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Privacy Act Office, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Information is provided by DSS field elements, Employee Relations Branch; Director, DSS Office of Affirmative Action and Equal Opportunity Policy; Directorates of Industrial Security and Investigations; Office of the Secretary of Defense; other DoD components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V10–01

SYSTEM NAME:

Investigation and Inspection Supplier Contract Files *(February 22, 1993, 58 FR 10904).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Primary location: Defense Security Service, Office of the Comptroller, 1340 Braddock Place, Alexandria, VA 22314-1651.

Secondary locations: Defense Security Service Operating Locations (OLs) within the U.S. Specific addresses can be obtained from the Primary location.'

* * * * *

STORAGE:

Delete entry and replace with 'Paper records in file folders and electronic files on disk and magnetic tapes.'

* * * * *

V10–01

SYSTEM NAME:

Investigation and Inspection Supplier Contract Files.

SYSTEM LOCATION:

Primary location: Defense Security Service, Office of the Comptroller, 1340 Braddock Place, Alexandria, VA 22314-1651.

Secondary locations: Defense Security Service Operating Locations (OLs) within the U.S. Specific addresses can be obtained from the Primary location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual contractors who perform personnel security investigations or industrial security inspections on an as-needed basis for the Defense Security Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain any or all of the following: Contractor Information Sheet, copies of contracts, Purchase Orders, Request for Payment, Request for Bulk Funds Order, Order for Supplies and Services, Contract Distribution, Public Voucher for Purchases and Services Other than Personal. Operating Location Chiefs and field office supervisors may file other documentation, originals or copies, such as resumes, applications, or DD Forms 398, Personnel Security Questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD Directive 5105.42, Defense Security Service (32 CFR part 361); and E.O. 9397 (SSN).

PURPOSE(S):

To retain personal identification information provided by individual contract suppliers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders and electronic files on disk and magnetic tapes.

RETRIEVABILITY:

Regional and field office copies are filed alphabetically by surname of individual. Acquisition and accounting copies are filed by contract number.

SAFEGUARDS:

Records are kept in secured areas accessible only to authorized personnel and electronic records are accessed only

by authorized personnel using assigned system passwords.

RETENTION AND DISPOSAL:

Operating Location and field office copies are destroyed upon termination of the contract. Acquisition and accounting copies are destroyed three years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Security Service, Office of the Comptroller, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security number of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Security Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

CONTESTING RECORD PROCEDURES:

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Contract supplier who is subject of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–21237 Filed 8–16–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement and Overseas Environmental Impact Statement for the San Clemente Island Range Complex

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), the Department of the Navy (Navy) announces its intent to prepare an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate the potential environmental effects of enhancing the capabilities and increasing the frequency and scale of training on the San Clemente Island Range Complex (SCIRC).

DATES: The meetings will be held September 14–16, 1999, beginning at 6:00 p.m. each day. Additional information concerning meeting times will be available at the San Clemente Island EIS web page located at: http://www.cnbsd.navy.mil/Facility/sci.htm.

ADDRESSES: The first meeting will be held at Bayside Convention Center, 2575 Stockton Road, Building 623 (the old Base Chapel), Naval Training Center San Diego. The second meeting will be held at Sheraton Los Angeles Harbor Hotel, 601 S. Palos Verdes Street, San Pedro, California. The third meeting will be held at DoubleTree Guest Suites, 34555 Casitas Place, Dana Point, CA. The meetings will be announced in local newspapers.

Written statements and/or questions regarding the scoping process should be mailed no later than October 1, 1999 to: Naval Air Station, North Island, Environmental Department, (Attn: Carrie Anne Downey, San Clemente Island, Environmental Impact Statement Comments) P.O. Box 357088 San Diego, CA 92135–7088. To be most helpful, comments should clearly describe specific issues or topics which the commentator believes the EIS should address.

FOR FURTHER INFORMATION CONTACT: Carrie Anne Downey, Naval Air Station, North Island, Environmental Department, San Clemente Island, P.O. Box 357088 San Diego, CA 92135–7088, telephone (619) 545–3845, FAX (619) 545–3489, e-mail SCIEIS@CNRSW.NAVY.MIL.

SUPPLEMENTARY INFORMATION: The SCIRC consists of San Clemente Island (SCI) land, air and sea training ranges and designated operational areas to the south and west of SCI which are controlled by a single command and control system on SCI.

The geographic scope of the EIS/OEIS is the SCIRC. This integrated set of ranges and operational areas covers approximately 2,620 square nautical miles (nm) and is located 68 nm west of San Diego. The command and control system and supporting infrastructure emanate from SCI which is approximately 21 nm (39 km) long and 4 and one-half nm (8.3 km) at its widest point. The SCIRC consists of more than six dozen ranges and operational areas. The extent of these areas range from the ocean floor to an altitude of 80,000 feet. The study area extends from the shore of SCI about 10 nm (18 km) to the north and east and 60 nm (111 km) to the west and south.

San Clemente Island has been operated by Navy as a tactical training range and testing area for over 70 years. Tactical training ranges and operational areas provide space and facilities where U.S. military forces can conduct exercises in a safe, controlled environment. The SCIRC is the cornerstone of tactical training in the Southern California region. The primary purpose of the Complex is to provide readiness training for units and personnel who deploy overseas to meet the national strategy of forward presence and global engagement. Among the evolving needs that precipitated the proposed action are the need for more training in: littoral warfare, including mine counter-measures; electronic warfare; missile firing; operations in the shore bombardment area (SHOBA), amphibious operations; and Naval Special Warfare. Increased need for test and evaluation activities is also anticipated.

The proposed action would enhance the capabilities of the SCIRC to meet current and anticipated fleet training and readiness needs, and support research, development, test and evaluation (RDT&E) activities by: (a) Instrumenting a shallow water extension to the current deep-water range; (b) expanding the scope of amphibious operations to include a battalion size landing; (c) defining land training areas and ranges (TARS); (d) increasing the frequency of training and testing activities currently conducted at SCIRC; (e) reviewing the optimum

configuration of land uses on San Clemente Island; and (f) developing procedures to ensure statutory obligations for endangered species, natural, and cultural resources are met while minimizing operational constraints. Each of these qualitative actions is needed for Navy and Marine Corps units to reach the fully ready level required for deployment.

The EIS/OEIS will consider a range of alternatives consisting of various combinations of the above elements. The No Action Alternative, consisting of training and testing activities at current levels of operations, will also be evaluated.

Environmental issues that will be addressed in the EIS/OEIS include but are not limited to: air quality, noise, vegetation and wildlife (including marine mammals and endangered species), cultural resources, land use, water quality, public health and safety and socioeconomics (including environmental justice).

In accordance with NEPA, Navy will initiate a public scoping process to assist in identifying relevant environmental issues to be analyzed in this EIS/OEIS. Federal, state, and local agencies and other interested parties are invited and encouraged to participate in the scoping process. Navy will hold three public meetings. Each meeting will consist of an informal information session, staffed by Navy representatives, to be followed by a brief presentation which discusses current operations in the SCI Range Complex and a description of the proposed action and alternatives. Comments will be entered into the official record in several ways. Members of the public can contribute oral or written comments at the scoping meetings, or subsequent to the meetings by mail, fax, or e-mail. Technical statements or statements of considerable length should be submitted in writing. Oral comments may be made at the scoping meeting and will be limited to 3 minutes per individual. All comments, whether oral or written, will receive the same consideration during EIS/OEIS preparation. Individuals or groups with special needs, such as accessibility, foreign language translation, assistance for the blind or hearing impaired, should contact this agency by September 5, 1999.

Dated: August 11, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–21318 Filed 8–16–99; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[RP95–363–16]

El Paso Natural Gas Company; Notice of Filing

August 11, 1999.

On August 4, 1999, El Paso Natural Gas Company filed an Offer of Settlement and Request for Approval of Joint Settlement Agreement (Settlement). Under the Commission's settlement rules, initial comments are due twenty days after the Settlement is filed, and reply comments are due ten days thereafter.

Initial comments on El Paso's August 4, 1999 Settlement are due to be filed on or before August 24, 1999. Reply comments shall be filed on or before September 3, 1999.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21282 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–397–001]

Koch Gateway Pipeline Company; Notice of Compliance Filing

August 11, 1999.

Take notice that on August 6, 1999, Koch Gateway Pipeline Company (Koch), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective August 1, 1999:

Substitute Seventh Revised Sheet No. 802
Substitute Sixth Revised Sheet No. 803

Koch filed the above referenced tariff sheets to comply with the Commission's Letter Order issued July 22, 1999, in Docket No. RP99–397–000.

Any person desiring to protest this filing should file a protest with the Fedeal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21287 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–394–001]

Pine Needle LNG Company, LLC; Notice of Tariff Filing

August 11, 1999.

Take notice that on August 6, 1999, Pine Needle LNG Company, LLC (Pine Needle), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, Substitute First Revised Sheet No. 89, to become effective August 1, 1999.

Pine Needle states that the purpose of the instant filing is to revise its tariff sheet to incorporate certain of the GISB definitions and revise certain of the GISB standards and data sets to Version 1.3 pursuant to the Commission order issued July 23, 1999. Accordingly, the only data sets listed in the tariff sheet under Version 1.2 are those for which Pine Needle has requested, and the Commission has granted, a waiver. The July 23 order granted Pine Needle an extension of time until June 1, 2000 to incorporate Version 1.3 of those data sets.

Additionally, Pine Needle is submitting a table attached as Appendix A showing the GISB Version 1.3 standard, the complying tariff sheet number, and an explanatory statement, if necessary, describing any reasons for deviation for deviation from or changes to each GISB standard.

Pine Needle states that it is serving copies of the instant filing to its affected customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21286 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–338–001]

Questar Pipeline Company; Notice of Tariff Filing

August 11, 1999.

Take notice that on August 5, 1999, Questar Pipeline Company (Questar) of its FERC Gas Tariff, First Revised Volume No. 1, tendered for filing and in compliance with the Commission's July 22, 1999, letter order in Docket No. RP99–338–000 (the July 22 order), and acceptance, to be effective August 1, 1999, the following tariff sheets:

Substitute Third Revised Sheet No. 84
Substitute Fourth Revised Sheet Nos. 99A, 99B, 99C and 99D
Substitute First Revised Sheet No. 99E
Substitute Original Sheet No. 99F

In the July 22 order, the Commission accepted tariff sheets to be effective, subject to Questar revising its tariff sheets within 15 days of the order to reflect corrections discussed in the July 22 order. The tariff filing was tendered as required by the Commission's directives.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21284 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–99–14–004; ER99–1751–003–; ER99–2337–001; ER99–3858–000; ER99–3866–000; ER99–3867–000; ER99–3885–000; ER99–3389–000 and ER99–3928–000]

Select Energy, Inc.; Aquila Energy Marketing Corporation; FPL Services, Inc.; Southwestern Public Service Company; Mobile Energy Services Company; Entergy Services, Inc.; Louisville Gas and Electric Company and Kentucky Utilities; Fitchburg Gas and Electric Light Company; Duquesne Light Company; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filing 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).

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, N.E., Washington, D.C. 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 and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21281 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–380–001]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

August 11, 1999.

Take notice that on August 6, 1999, Transcontinental Gas Pipe Line Corporation (Transco), tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1. The effective date for the tariff sheet is August 1, 1999.

Transco states that the purpose of the instant filing is to revise its tariff sheet to incorporate certain of the GISB definitions and revise certain of the GISB standards and data sets to Version 1.3 pursuant to the Commission order issued July 26, 1999. Accordingly, the only data sets listed in the tariff sheet under Version 1.2 are those for which Transco has requested, and the Commission has granted, a waiver. The July 26 order granted Transco an extension of time until June 1, 2000 to incorporate Version 1.3 of those data sets.

Additionally, Transco is submitting a table attached as Appendix A showing the GISB Version 1.3 standard, the complying tariff sheet number, and an explanatory statement, if necessary, describing any reasons for deviation from or changes to each GISB standard.

Transco states that it is serving copies of the instant filing to its affected customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21285 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 309–PA]

Pennsylvania Electric Co.; GPU Generation, Inc.; Notice of Scoping Meetings Pursuant to the National Environmental Policy Act of 1969 for an Applicant Prepared Environmental Assessment

August 11, 1999.

Pursuant to the Energy Policy Act of 1992, and as part of the license application, the Pennsylvania Electric Company/GPU Generation, Inc. (GPU) intends to prepare an Applicant Prepared Environmental Assessment (APEA) to file along with the license application, with the Federal Energy Regulatory Commission (Commission) for the Piney Project No. 309. The license for the project expires on October 12, 2002.

In February 1998, GPU started the consultation process with preparation and distribution of the Initial Information Package. This was followed by an initial consultation meeting on March 10, 1998. Study plans were subsequently drafted and reviewed, and field studies commenced in January 1999.

Recently GPU discussed the APEA process for the relicensing of the Piney Project with fish and wildlife agencies, and on June 24, 1998, GPU requested Commission approval to enter into the alternative licensing process. Notice of GPU's request was issued on July 15, 1999, and the Commission has not acted on the request. As part of the APEA process, GPU has prepared a Scoping Document I (SDI), which provides information on the scoping process, APEA schedule, background information, environmental issues, and proposed project alternatives.

The purpose of this notice is to: (1) Advise all parties as to the proposed scope of the environmental analysis, including cumulative effects, and to seek additional information pertinent to this analysis; and (2) advise all parties of their opportunity for comment.

Scoping Process

The purpose of the scoping process is to identify significant issues related to the proposed action and to determine what issues should be addressed in the document to be prepared pursuant to the National Environmental Policy Act of 1969 (NEPA). The SDI will be circulated to enable appropriate federal, state, and local resource agencies, Indian tribes, NGOs, and other interested parties to participate in the scoping process. SDI provides a brief description of the proposed action, project alternatives, the geographic and temporal scope of a cumulative effects analysis, and a list of issues.

Scoping Meetings and Site Visit

GPU and Commission staff will conduct two scoping meetings. All interested individuals, organizations, and agencies are invited to attend and assist in identifying the scope of environmental issues that should be analyzed in the APEA.

The scoping meetings will be held on August 26, 1999, at the Clarion Holiday Inn in Clarion, Pennsylvania. The agency scoping meeting will be held from 10:00 am to 4:00 pm, and the public scoping meeting will be held from 7:00 pm to 9:30 pm. The public is invited to attend either or both meetings. For more details, interested parties should contact Thomas Teitt of GPU at (814) 533–8788 or (717) 948–8177, prior to the meeting date.

Objectives

At the scoping meetings, NEP and Commission staff will: (1) summarize the environmental issues identified for analysis in the APEA; (2) solicit from the meeting participants all available information, especially quantified data, on the resources at issue; and (3) encourage statements from experts and the public on issues that should be analyzed in the APEA. Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist in defining and clarifying the issues to be addressed.

Meeting Procedures

The meeting will be conducted according to the procedures used at Commission scoping meetings. Because this meeting will be a NEPA scoping meeting, the Commission will not conduct another scoping meeting when the application and APEA are filed with the Commission in the Fall of 2000.

The meetings may be recorded by a stenographer or tape, and become a part of the formal record of the Commission proceeding on the Piney Project. Individuals presenting statements at the meetings will be asked to identify themselves for the record. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session. Persons choosing not to speak but wishing to express an opinion, as well as speakers unable to summarize their positions within their allotted time, may submit written statements for inclusion in the public record no later than September 9, 1999.

All filings should contain an original and 8 copies. Failure to file an original and 8 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. All comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, and should clearly show the following captions on the first page: Piney Project, FERC No. 309. A copy of each filing should also be sent to Thomas R. Tiett, GPU Generation, Inc., 1001 Broad St., Johnstown, PA 15907.

Based on all written comments, a Scoping Document II (SDII) may be issued. SDII will include a revised list of issues, based on the scoping sessions.

For further information regarding the APEA scoping process, please contact William Guey-Lee, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 at (202) 219–2809, or Thomas Tiett (717) 948–8177.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–21283 Filed 8–16–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6423–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Synopses of Proposed Contract Actions and Market Research Activity

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: Synopses of Proposed Contract Actions and Market Research Activity, EPA ICR Number 1910.01. 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 September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1910.01.

SUPPLEMENTARY INFORMATION:

Title: Synopses of Proposed Contract Actions and Market Research Activity; OMB Control No: not yet assigned, EPA ICR No: 1910.01. This is a new collection.

Abstract: EPA's Office of Acquisition Management is required by the Federal Acquisition Regulation (FAR), parts 5 and 10, to publicize certain contract actions, and to conduct market research activity prior to solicitation of certain contract requirements. In addition to the mandated requirements, the FAR encourages the publication of contract actions and the conduct of market research in other instances. The information collected from these activities is used to make procurement decisions such as: the supply or service to procure, which sources to utilize, extent of small business participation, contract type, etc. Responses to synopses notices and market research inquiries are voluntary, but may be required in order to be considered for the award of an Agency contract.

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 5/14/99, 64 FR 26408. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3.03 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: Businesses; Not-for-profit institutions.

Estimated Number of Respondents: 8100

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 24,559 hours.

Estimated Total Annualized Capital, Operating/ 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. 1910.01 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: August 12, 1999.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 99–21312 Filed 8–16–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6423–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Reporting Requirements Under EPA's Water Alliances for Voluntary Efficiency (WAVE) Program

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: Reporting Requirements Under EPA's Water Alliances for Voluntary Efficiency (WAVE) Program, OMB Control Number 2040–0164, EPA ICR Number 1654.03, expiring October 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 September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1654.03.

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements Under EPA's Water Alliances for Voluntary Efficiency (WAVE) Program (OMB Control No. 2040–0164; EPA ICR No. 1654.03) expiring October 31, 1999. This is an extension of a currently approved collection.

Abstract: EPA initially collects facility information and thereafter annually collects water, energy, and cost savings information from participants in the WAVE program. WAVE Partners are commercial businesses or institutions that voluntarily agree to implement cost-effective water efficiency measures in their facilities. Initially the WAVE Program targeted the lodging industry, but is expanding to include office buildings, educational institutions and medical facilities. Another type of participant, ''Supporters,'' will work with EPA to promote water efficiency. Supporters are equipment manufacturers, water management companies, utilities, state and local governments, or the like.

The purpose of the WAVE Program is pollution prevention. As defined by EPA, pollution prevention means ''source reduction'' as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or through protection of natural resources by conservation. By promoting water efficiency, WAVE prevents pollution in two basic ways. First, wastewater flows are reduced which can increase treatment efficiency at wastewater treatment plants resulting in reduced pollutant loads. Second, less water used means that less energy will be used to treat, transport, and heat drinking water and to transport and treat wastewater. To the extent that the reduced energy use so achieved is electrical energy, power plant emissions are reduced. Water efficiency also causes less water to be withdrawn and helps preserve streamflow to maintain a healthy aquatic environment; in addition, less pumping of groundwater lowers the

chance that pollutants that may be in the groundwater will be drained into a water supply well.

EPA uses the information to maintain a profile of program membership and to monitor the success of the program, demonstrate that pollution prevention can be accomplished with a non-regulatory approach, and to promote the program to potential partners. Participation in the WAVE Program is voluntary; however, a participant joins the program by signing and submitting a Membership Agreement and an annual Results Report to EPA to receive and retain program benefits, such as software and publicity. No participant is required to submit confidential business information. EPA maintains and distributes a list of program participants, and presents aggregated data only in its program progress reports.

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 April 29, 1999 (64 FR 23069); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average three hours and three minutes per Membership Agreement response, and five hours and 54 minutes per Results Report response. Approximately 870 facilities will be subject to this information collection for an estimated annual burden of 2,556 hours. 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: Businesses, Institutions, State and local governments.

Estimated Number of Respondents: 870.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 2556 hours.

Estimated Total Annualized Cost Burden (non-labor costs): $0.00.

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. 1654.03 and OMB Control No. 2040–0164 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: August 11, 1999.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 99–21313 Filed 8–16–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6423–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standards for Volatile Organic Compound Emissions From the Polymer Manufacturing Industry

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: Standards of Performance of Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, OMB Control No. 2060–0145, expiration date November 30, 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 September 16, 1999.

FOR FURTHER INFORMATION CONTACT: 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. 1150.05.

SUPPLEMENTARY INFORMATION:

Title: Standards of Performance of Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, Subpart DDD, OMB Control No. 2060–0145; EPA ICR No. 1150.05, expiring 11/30/99. This is a request for extension of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR 60.560, subpart DDD, Standards of Performance for VOC Emissions from the Polymer Manufacturing Industry. This information is used by the Agency to identify sources subject to the standards and to insure that the best demonstrated technology is being properly applied. 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, or any period during which the monitoring system is inoperative. The standards require periodic recordkeeping to document process information relating to the sources' ability to meet the requirements of the standard and to note the operation 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 06/04/99 (64 FR 30019); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 59 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 the Polymer Manufacturing Industry.

Estimated Number of Respondents: 105.

Frequency of Response: Initial and semi-annual.

Estimated Total Annual Hour Burden: 14,691.

Estimated Total Annualized Capital, O&M Cost Burden: $765,000.

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. 1150.05 and OMB Control No. 2060–0145 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: August 11, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–21314 Filed 8–16–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6423–3]

Request for Information Concerning Transfrontier Movements of Wastes Destined for Recovery Operations Within the OECD Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is requesting specific information from interested parties, and the U.S. regulated community in particular, on imports and exports of secondary materials, wastes and hazardous wastes moving toward recycling operations in the 29 member countries of the Organization for Economic Cooperation and Development (OECD). This information will be used by EPA and other federal agencies in developing U.S. positions with respect to potential harmonization of certain provisions of OECD Council Decision C(92)39 concerning the control of transfrontier movements of wastes destined for recovery operations with those of the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* (''Basel Convention'' or ''the Convention''), including the possible replacement of the OECD waste lists (green, amber, and red) with the Basel waste lists (Annexes VIII and IX).

DATES: Responses to this document should be submitted no later than September 30, 1999.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–1999–TMWA–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–1999–TMWA–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460. Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. For information on accessing this document electronically, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Ms. Julia Gourley, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone: (703) 308–8751; fax: (703) 308–0514; e-mail: gourley.julie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Internet Access

This document may be accessed at the following internet address: *http://www.epa.gov/epaoswer/hazwaste/exp-imp/oecd.htm.*

I. Background

A. Relationship of OECD Council Decision C(92)39 to the Basel Convention

The Basel Convention is an international treaty under the United Nations Environment Program (UNEP) that applies to transboundary movements (exports and imports) of hazardous and other wastes and their disposal. It opened for signature upon the conclusion of UNEP negotiations on March 22, 1989 and entered into force, 90 days after the 20th ratification, on May 5, 1992. As of June 17, 1999 there are 123 parties to the Basel Convention (countries and others that have ratified, acceded to, approved, or otherwise accepted it). The U.S. signed the agreement on March 22, 1990, but has not ratified it. The Basel Convention, therefore, does not apply to the U.S. at the present time.

The Basel Convention prohibits imports and exports of covered wastes between parties to it and non-parties; however, Article 11 of the Convention provides for an exception to this prohibition for those parties and non-parties that have entered into separate agreements that are consistent with the environmentally sound management provisions of the Convention. The member countries of the Organization

for Economic Cooperation and Development (OECD) [1] entered into an agreement governing transfrontier movements of wastes destined for recovery (recycling) operations pursuant to Article 11 paragraph 2 of the Basel Convention (see 61 FR 16290 for a detailed discussion). This agreement, known as OECD Council Decision C(92)39/FINAL, was adopted by the OECD Council on March 30, 1992, and is legally binding on all member countries that have accepted it (presently all but Hungary and Poland, or 27 of the 29 member countries). It is a pre-existing agreement pursuant to Article 11 paragraph 2 of the Basel Convention. The U.S. accepted the agreement and promulgated implementing regulations under the Resource Conservation and Recovery Act (RCRA) on April 12, 1996 (40 CFR part 262, subpart H). Nothing in today's document alters or amends these regulations, which remain in full force and effect.

B. History of OECD Harmonization Efforts

In April 1997, the Environment Policy Committee (EPOC) of the OECD directed one of its subsidiary bodies, the Working Group on Waste Management Policy (WGWMP) (formerly known as the Waste Management Policy Group or WMPG) to identify areas where it would be feasible and appropriate to harmonize the procedures and requirements of OECD Council Decision C(92)39/FINAL (hereafter referred to as C(92)39) with those of the Basel Convention, to identify areas where duplication between the two agreements could be eliminated, and to report back to it in spring 1999.

In fulfillment of this mandate, the WGWMP made the following eight recommendations to the EPOC:

(1) The OECD Control System and the related Council Acts should be retained in a streamlined form which would make the OECD Control System more efficient and effective and enhance harmonization with the Basel Convention;

(2) Certain procedural elements of the OECD Control System, such as time limits for the approval process for transfrontier movement, tacit consent (as well as the possibility for a written consent) and preauthorization procedures, should be retained. The definitions of waste and hazardous waste, and the general principles concerning transfrontier movements of wastes should be retained;

(3) The OECD Control System should be harmonized with the Basel Convention by: (i) replacing the OECD green, amber, and red lists of wastes with Annexes VIII and IX of the Basel Convention, (ii) applying the green procedure to Annex IX wastes and the amber procedure (including the possibility of written consent) to Annex VIII wastes, and (iii) eliminating the present OECD Review Mechanism, but retaining the possibility of applying differing levels of control within the OECD Control System, in exceptional cases, to Annex VIII and Annex IX wastes, from those applied under the Basel Convention;

(4) The mandatory OECD data collection on exports and imports of waste, and periodic or annual review of action taken by Member countries in pursuance of a number of Council Acts should be eliminated;

(5) All waste related Council Acts except Council Decision C(92)39 should be consolidated into one Act;

(6) Work towards further harmonization of the different international control systems for transfrontier movements of wastes should be continued, with the ultimate goal of achieving a globally harmonized control system;

(7) The OECD work in the field of waste management should be reoriented to focus on emerging cross-cutting issues regarding reuse and recycling of waste such as: (i) adapting the control procedures to encourage the implementation of end-of-life product take-back programs and to facilitate closed-loop recycling of materials; and (ii) developing standards for environmentally sound management of wastes destined for recovery operations; and,

(8) WGWMP activities should be continued as a Part I program to facilitate participation of all Member countries in the work.

At its March 24–26, 1999 meeting, the EPOC endorsed these recommendations. The WGWMP is now exploring options for their implementation, including streamlining C(92)39 and harmonizing it with the Basel Convention where appropriate and consolidating the other legally-binding waste-related Council Acts into one Act. Formal negotiations between the member countries resulting in consensus agreement will be required before amendments to these Council Acts can be forwarded to the OECD Council for adoption and entry into force.

EPA believes the harmonization of C(92)39 with the Basel Convention will be of interest to US stakeholders, including environmental interest groups and industry. The Agency calls attention to recommendation number 3 which is of particular significance because it would have the greatest impact on the operation of C(92)39. In addition to potential effects on transboundary movements of regulated hazardous wastes, this recommendation could affect movements of non-hazardous wastes, non-wastes, and secondary materials which may be within the scope of C(92)39.

II. Differences Between the OECD Control System and the Basel Convention

The overall goal of the Basel Convention is to protect human health and the environment against the adverse effects from the generation and management of hazardous wastes and other wastes. The main objectives of the Basel Convention are to:

—Reduce transboundary movements of Basel wastes to a minimum consistent with their environmentally sound management;
—Dispose of the wastes as close as possible to their source of generation;
—Minimize the generation of hazardous wastes in terms of quantity and hazardousness;
—Ensure strict control on the movement of wastes across borders as well as the prevention of illegal traffic;
—Prohibit shipments of waste to countries lacking the legal, administrative and technical capacity to manage and dispose of them in an environmentally sound manner; and
—Assist developing countries and countries in transition in environmentally sound management of their own wastes.

The Basel Convention establishes a system for controlling transboundary movements of hazardous wastes and other wastes for both final disposal and recycling (note: recycling is considered a type of disposal under the Convention). It sets out general obligations and specifies restrictions and prohibitions on imports and exports of such wastes. Its primary purpose is to protect developing countries from waste mismanagement.

In September 1995, the third meeting of the Conference of the Parties (COP III) adopted Decision III/1 containing an amendment to the Convention adding a new Article 4A prohibiting exports of hazardous waste for final disposal and

[1] The member countries of the OECD (also known as the ''OECD area'') are Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, S. Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

recycling from parties listed in Annex VII (OECD countries, European Community and Liechtenstein) to states not listed in Annex VII. This amendment will enter into force when 3/4 of the parties present and voting at COP III (i.e., 62 parties) have ratified it. As of June 1999, 14 ratifications were registered with the UN Depository.

OECD Council Decision C(92)39 establishes a control system, complementary to the Basel Convention, for transfrontier movements of wastes destined for recovery operations within the OECD area. It designates three ''tiers'' of wastes according to their potential overall environmental risk: the green, amber and red tiers which have corresponding waste lists. C(92)39 requires control of transfrontier movements of amber and red tier wastes, but requires no control for green tier wastes destined for recovery operations, other than those normally applied to commercial transactions. Red list wastes are subject to a control procedure, which is almost identical to the Basel Convention. Amber list wastes are subject to somewhat less stringent control procedures, including allowing the competent authorities to use ''tacit'' (presumed) consent as a means of approval for a notified movement of waste, and to grant ''pre-consent'' to domestic facilities to accept amber list wastes under a streamlined set of requirements.

A. Comparison of OECD and Basel Convention Waste Lists

Both the Basel Convention and C(92)39 contain waste lists which generally define the scope of coverage of each agreement. Annex VIII of the Basel Convention contains the list of hazardous wastes that are generally subject to the requirements of the Convention when they are exported or imported. It is an elaboration of the categories and constituents of Annex I. Annex IX of the Convention contains the list of wastes and secondary materials that are generally outside the scope of the Convention, and thus are not subject to its provisions when exported or imported.

As mentioned above, C(92)39 contains three waste lists. The green list contains wastes and secondary materials generally considered to be non-hazardous in most or all OECD member countries. The amber list contains wastes generally considered to be hazardous by the member countries, while the red list consists of wastes considered extremely hazardous and that warrant full export/import controls.

The OECD lists were developed according to the following environmental risk-based criteria in Annex 2 of C(92)39. These criteria reflect both the environmental hazard presented by the waste and the typical management practice (recycling operation) applied to it:

Properties

(1) Does the waste normally exhibit any of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90? Furthermore, it is useful to know if the waste is legally defined as or considered to be a hazardous waste in one or more member countries.

(2) Is the waste typically contaminated?

(3) What is the physical state of the waste?

(4) What is the degree of difficulty of cleanup in the case of accidental spillage or mismanagement?

(5) What is the economic value of the waste bearing in mind historical price fluctuations?

Management:

(6) Is there technological capability to recover the waste?

(7) Is there a history of adverse environmental incidents arising from transfrontier movements of the waste or associated recovery operations?

(8) Is the waste routinely traded through established channels and is that evidenced by commercial classification?

(9) Is the waste usually moved internationally under the terms of a valid contract or chain of contracts?

(10) What is the extent of reuse and recovery of the waste and how is any portion separated from the waste but not subject to recovery managed?

(11) What are the overall environmental benefits arising from the recovery operations?

Another important distinguishing feature of the OECD waste lists is the inclusion of Customs codes. The OECD WGWMP coordinates closely with the Nomenclature and Classification Division of the World Customs Organization in comparing the waste listings with the Harmonized Commodity Description and Coding System (Harmonized System, or HS) and assigns HS codes accordingly, where applicable. In addition, the text of some OECD waste listings identically matches the counterpart text in the HS, which facilitates transboundary movements through Customs ports in the OECD member countries.

By contrast, the Basel Convention waste lists in Annexes VIII and IX of the Convention were developed based on the ''intrinsic hazard'' of the waste (e.g. poisonous, ignitable, corrosive, etc.), and do not take into account how the waste is typically managed, and other environmental risk-based factors. The Basel Convention does not distinguish between disposal and recycling, so its lists contain wastes that are both recycled and disposed (whereas the OECD lists, for the most part, contain wastes and secondary materials that are typically recycled). In addition, the Basel lists do not, at present, contain HS (Customs) codes.

The remainder of this section describes some of the significant differences in the waste lists of the two agreements.

1. OECD Green List vs. Basel Convention Annex IX

The following six Basel Convention Annex IX listings do not have corresponding entries on the OECD green list:

B1010 Thorium scrap
B1030 Refractory metals containing residues
B1050 Mixed, non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics [2]
B1100 Wastes of refractory linings, including crucibles, originating from copper smelting
B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances
B3120 Wastes consisting of food dyes

The following 21 entries on the OECD green list do not have corresponding entries on Basel Annex IX:

GA190 Molybdenum waste and scrap
GA200 Tantalum waste and scrap
GA300 Chromium waste and scrap
GC030 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC040 Motor vehicle wrecks, drained of liquids
GC090 Molybdenum
GC100 Tungsten
GC110 Tantalum
GC120 Titanium
GC130 Niobium
GC140 Rhenium

[2] If the OECD member countries agree to replace the OECD lists with the Basel Convention lists, minor wording changes will be necessary to correct language unique to the Basel Convention. For example, in Basel Annex IX listing B1050 above, the term ''Annex I'' could be deleted, while the phrase ''exhibit Annex III characteristics'' could be changed to ''render it hazardous'' or similar language conveying the same idea.

GE020 Glass fiber wastes
GF010 Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)
GG160 Bituminous material (asphalt wastes) from road construction and maintenance, not containing tar
GH013 Waste, parings, and scrap of plastics of polymers of vinyl chloride
GJ140 Waste textile floor coverings, carpets
GM140 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)
GN010 Waste of pig's, hog's, or boar's bristles and hair or of badger hair and other brush making hair
GN020 Horsehair waste, whether or not put up as a layer with or without supporting material
GN030 Wastes of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
GO040 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges

The following six OECD green listings correspond to four Basel Annex IX listings, but with different wordings (Table 1).

TABLE 1.—DIFFERENCES IN WORDING BETWEEN OECD GREEN LIST AND BASEL ANNEX IX

OECD green listing	Basel annex IX listing
GB030 Aluminum skimmings (excluding those that are flammable or emit, upon contact with water, flammable gases in dangerous quantities).	B1100 Aluminum skimmings (or skims) excluding salt slag.
GC020 Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.	B1110 Waste electrical and electronic assemblies or scrap (not including scrap from electrical power generation) (including printed circuit boards) not containing components such as accumulators and other batteries included on Annex VIII, mercury switches, glass from cathode ray tubes and other activated glass and PCB capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, PCB) or from which these have been removed, to an extent they do not possess any of the characteristics contained in Annex III. B1110 Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse (reuse can include repair, refurbishment or upgrading, but not major reassembly) and not for recycling or final disposal (in some countries these materials destined for direct reuse are not considered wastes).
GC150 Gold GC160 Platinum (the expression ''platinum'' includes platinum, iridium, osmium, palladium, rhodium, and ruthenium) GC170 Other precious metals, e.g. silver.	B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labeling.
GH014 Waste, parings, and scrap of plastics of polymers of fluorinated ethylene (teflon, PTFE).	B3010 The following fluorinated polymer wastes: perfluoroethylene/propylene (FEP), perfluoroalkoxy alkane (PFA), perfluoroalkoxy alkane (MFA), polyvinylfluoride (PVF), polyvinylidenefluoride (PVDF).

EPA is interested in comments regarding the significance of the differences between the non-hazardous lists of the two agreements and, in particular, whether the narrower scope of Basel Annex IX could have any significant bearing on intra-OECD trade in these wastes and materials.

2. OECD Amber and Red Lists vs. Basel Convention Annex VIII

Of perhaps greater significance are the differences in the lists of regulated hazardous wastes of the two agreements. A waste is classified as hazardous under the Basel Convention if it is linked to either a category or constituent in Annex I, unless it does not exhibit any of the characteristics of hazardous waste contained in Annex III (Article 1 paragraph 1(a)).[3] If these criteria are not satisfied, the waste or material is not covered by the Convention (and may therefore either be placed on Annex IX or remain unlisted). The scope of coverage in C(92)39, however, is not determined by such a combination of categories/constituents and hazard characteristics; thus, Basel's scope of coverage is narrower than that of C(92)39.

Two amber listings are covered by Annex II of the Basel Convention, ''Categories of Wastes Requiring Special Attention: AB020 (residues arising from the combustion of municipal/household wastes), and AD160 (municipal/household wastes).

One OECD red listing (RB020, ceramic-based fibers of physico-chemical characteristics similar to those of asbestos) and the following 27 OECD amber listings do not directly correspond to entries on Basel Annex VIII (in most cases there is no linkage to Basel Annex I; in order to add them to Basel Annex VIII, at a minimum an amendment of Basel Annex I would be required):

AA010 Dross, scalings and other wastes from the manufacture of iron and steel
AA050 Aluminum ashes and residues
AA060 Vanadium ashes and residues
AA070 Ashes and residues containing metals or metal compounds not elsewhere specified or included
AA110 Residues from alumina production not elsewhere specified or included
AA190 Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gasses in dangerous quantities
AB010 Slag, ash and residues, not elsewhere specified or included
AB030 Wastes from non-cyanide based systems which arise from surface treatment of metals
AB070 Sands used in foundry operations
AB120 Inorganic halide compounds, not elsewhere specified or included
AB130 Used blasting grit

[3] In addition, wastes considered hazardous under a party's domestic laws and regulations are also subject to control under the Basel Convention (Article 1 paragraph 1(b)).

AB150 Unrefined calcium sulfite and calcium sulfate from flue gas desulfurization (FGD)
AC020 Bituminous materials (asphalt waste) not elsewhere specified or included
AC060 Hydraulic fluids
AC070 Brake fluids
AC080 Antifreeze fluids
AC140 Triethylamine catalyst for setting foundry sands
AC150 Chlorofluorocarbons
AC160 Halons
AC170 Treated cork and wood wastes
AC250 Surface active agents (surfactants)
AC260 Liquid pig manure; feces
AC270 Sewage sludge
AD090 Wastes from the production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100 Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120 Ion exchange resins
AD150 Naturally-occurring organic material used as a filter medium (such as bio-filters)

The following nine Annex VIII listings do not correspond to any OECD amber or red listing. There are several possible explanations for this: (i) these wastes are not typically recycled; (ii) the Basel parties and OECD member countries disagree as to their hazardousness; and/or (iii) there are different criteria for listing wastes in Basel (intrinsic hazard) vs. C(92)39 (risk):

A1040 Wastes having as constituents: metal carbonyls; hexavalent chromium compounds
A1180 Waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included in Annex VIII, mercury switches, glass from cathode ray tubes and other activated glass and PCB capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, PCB) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on Annex IX: B1110)
A2060 Coal-fired power plant fly ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on Annex IX: B2050)
A3100 Waste parings and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on Annex IX: B3090)
A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on Annex IX: B3110)
A4020 Clinical and related wastes; that is, waste arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
A4140 Waste consisting of or containing off specification or out-dated chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

The following 13 amber listings are broader in scope than their corresponding Annex VIII listings (Table 2).

TABLE 2.—AMBER LISTINGS BROADER IN SCOPE THAN CORRESPONDING ANNEX VIII LISTINGS.

OECD amber listing	Basel convention annex VIII listing
AA020 Zinc ashes and residues	A1080 Waste zinc residues not included in Annex IX, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics.
AA040 Copper ashes and residues	A1090 Ashes from the incineration of copper wire. A1100 Dusts and residues from gas cleaning systems of copper smelters. A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations. A1120 Waste sludges, excluding anode slimes, from copper electrorefining and electrowinning operations. A1130 Spent etching solutions containing dissolved copper. A1140 Waste cupric chloride and copper cyanide catalysts.
AA161 Ash from incineration of printed circuit boards	A1150 Precious metal ash from incineration of printed circuit boards not included in Annex IX.
AA180 Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not otherwise specified or included.	A1170 Unsorted waste batteries excluding mixtures of only Annex IX batteries. Waste batteries not specified on Annex IX containing Annex I constituents to an extent to render them hazardous.
AB110 Basic solutions	A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on Annex IX (note the related entry on Annex IX: B2120).
AB140 Gypsum arising from chemical industry processes	A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on Annex IX: B2080).
AC030 Waste oils unfit for their originally intended use	A3020 Waste mineral oils unfit for their originally intended use.
AC090 Waste from production, formulation, and use of resins, latex, plasticizers, glues and adhesives.	A3050 Waste from production, formulation, and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on Annex IX (note the related entry on Annex IX: B4020).
AC130 Ethers	A3080 Waste ethers not including those specified on Annex IX.
AC180 Leather dust, ash, sludges and flours	A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on Annex IX: B3100).

TABLE 2.—AMBER LISTINGS BROADER IN SCOPE THAN CORRESPONDING ANNEX VIII LISTINGS.—Continued

OECD amber listing	Basel convention annex VIII listing
AD070 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish.	A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on Annex IX (note the related entry on Annex IX: B4010).
AD110 Acidic solutions	A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on Annex IX (note the related entry on Annex IX: B2120).
AD130 Single use cameras with batteries	A1180 Waste electronic assemblies or scrap containing components such as accumulators and other batteries in Annex VIII.

The following 18 Annex VIII listings are broader in scope than their corresponding amber listings (Table 3).

TABLE 3.—ANNEX VIII LISTINGS BROADER IN SCOPE THAN CORRESPONDING AMBER AND RED LISTINGS.

OECD amber or red listing	Basel convention annex VIII listing
AA030 Lead ashes and residues	A1010 Metal wastes consisting of alloys of lead, but excluding such wastes as specifically listed on Annex IX. A1020 Wastes having as constituents or contaminants, excluding metal waste in massive form, lead or lead components.
AA080 Thallium waste and residues	A1010 Metal wastes and waste consisting of alloys of thallium, but excluding such wastes specifically listed on Annex IX. A1030 Wastes having as constituents or contaminants thallium; thallium compounds.
AA090 Arsenic waste and residues	A1010 Metal wastes and waste consisting of alloys of arsenic, but excluding such wastes specifically listed on Annex IX. A1030 Wastes having as constituents or contaminants arsenic; arsenic compounds.
AA100 Mercury waste and residues	A1010 Metal wastes and waste consisting of alloys of mercury, but excluding such wastes specifically listed on Annex IX. A1030 Wastes having as constituents or contaminants mercury; mercury compounds.
AB080 Waste catalysts not on the green list	A2030 Waste catalysts but excluding such wastes specified on Annex IX. A1140 Waste cupric chloride and copper cyanide catalysts.
AC010 Waste from the production/processing of petroleum coke and bitumen, excluding anode butts.	A3010 Waste from the production or processing of petroleum coke and bitumen.
AC040 Leaded petrol (gasoline) sludges	A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges.
DRC030 Leaded anti-knock compound sludges	
AC120 Polychlorinated naphthalenes	A3180 Waste, substances and articles containing, consisting of or contaminated with polychlorinated naphthalene (PCN).
AC190 Fluff light fraction from automobile shredding	A3120 Fluff—light fraction from shredding.
AD170 Spent activated carbon having hazardous characteristics and resulting from its use in the inorganic chemical, organic chemical and pharmaceutical industries, waste water treatment, gas/air cleaning processes and similar applications.	A4160 Spent activated carbon not included in Annex IX (note the related entry on Annex IX: B2060).
RA010 Wastes, substance and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more.	A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds at a concentration level of 50 mg/kg or more.
RC040 Peroxides other than hydrogen peroxide	A4120 Wastes that contain, consist of or are contaminated with peroxides.

EPA is interested in comments regarding the significance of the differences between the OECD amber/red lists and Basel Annex VIII for intra-OECD trade purposes.

3. OECD Green List vs. Basel Annex VIII, OECD Amber List vs. Basel Annex IX, and ''Mirror Listings''

Finally, there are a number of entries in both C(92)39 and the Basel Convention that are either partially or entirely covered by entries on the opposite list in the other agreement. For example, 18 Annex IX listings are at least partially covered by 17 amber listings (Table 4). This is largely due to the fact that the Basel Convention lists contain ''mirror listings'' ''listings on both Annexes VIII and IX that differ either by specifying the particular contaminants or constituents that distinguish hazardousness from non-hazardousness, or by simply re-stating the Convention's scope of coverage (which is also the Annex IX chapeau); namely whether the waste contains Annex I material in sufficient quantities to cause the waste to exhibit an Annex III characteristic. These mirror listings can be confusing for regulators and, in particular, Customs officials at border crossings who must make decisions about a particular shipment including verifying shipping documents and assessing tariffs. For example, it could be quite challenging for a Customs officer to fulfill his/her duties for a shipment of material coming under the following Basel mirror listing: ''B1160 Precious metal ash from the incineration of printed circuit boards (note the

related entry on Annex VIII A1150)''. When the Customs official looks to the mirror listing on Annex VIII, they would find the following wording: ''A1150 Precious metal ash from incineration of printed circuit boards not included on Annex IX.'' Because many of the Basel mirror listings are not easily distinguishable, it is possible that transboundary movements within the OECD area could be affected. EPA is interested in comments on this issue.

While there are some mirror listings on the OECD lists, they are significantly fewer in number and are typically distinguished more precisely, usually with one listing quite specific and its mirror listing board; for example, magnesium waste and scrap is mirror listed as follows: ''GA210 Magnesium waste and scrap (excluding those listed in AA190)'' and, ''AA190 Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gasses in dangerous quantities.'' Table 4 presents the listings on Basel Annex IX which are at least partially covered by broader OECD amber listings.

TABLE 4.—BASEL ANNEX IX LISTINGS PARTIALLY COVERED BY OECD AMBER LISTINGS

OECD amber listing	Basel convention annex IX listing
AA020 Zinc ashes and residues	B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentrations sufficient to exhibit Annex III characteristics or exhibiting hazardous characteristic H4.3. B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction.
AA040 Copper ashes and residues	B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics. B1240 Copper oxide mill scale.
AA150 Precious metal bearing residues in solid form which contain traces of inorganic cyanides.	B1140 Precious-metal bearing residues in solid form which contain traces of inorganic cyanides.
AA161 Ash from incineration of printed circuit boards	B1160 Precious metal ash from the incineration of printed circuit boards (note the related entry on Annex VIII: A1150).
AA162 Photographic film ash	B1170 Precious metal ash from the incineration of photographic film.
AA180 Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not otherwise specified or included.	B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury.
AB050 Calcium fluoride sludge	B2070 Calcium fluoride sludge.
AB090 Waste hydrates of aluminum AB100 Waste alumina	B2100 Waste hydrates of aluminum and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes.
AB110 Basic solutions	B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on Annex VIII: A4090).
AB140 Gypsum arising from chemical industry processes	B2080 Waste gypsum arising from chemical industry processes not included on Annex VIII (note the related entry on Annex VIII: A2040).
AC090 Waste from the production, formulation and use of resins, latex plasticizers, glues and adhesives.	B4020 Wastes from production, formulation, and use of resins, latex, plasticisers, glues/adhesives, not listed on Annex VIII, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water based, or glues based on casein starch, dextrin, cellulose, ethers, polyvinyl alcohols (note the related entry on Annex VIII: A3050).
AC130 Ethers	B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides.
AC180 Leather dust, ash, sludges and flours	B3090 Leather dust, ash, sludges, or flours not containing hexavalent chromium compounds or biocides (note the related entry on Annex VIII: A3090).
AD070 Wastes from production, formulation an use of inks, dyes, pigments, paints, lacquers, varnish.	B4010 Wastes consisting mainly of waste-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals, or biocides to an extent to render them hazardous (note the related entry on Annex VIII: A4070).
AD110 Acidic solutions	B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on Annex VIII: A4090).
AD130 Single use cameras with batteries	B4030 Used single use cameras with batteries not included in Annex VIII.

In addition, five green listings are potentially covered by corresponding listings on Annex VIII (Table 5).

TABLE 5.—OECD GREEN LISTINGS AT LEAST PARTIALLY COVERED BY BASEL ANNEX VIII LISTINGS

OECD green listing	Basel convention annex VIII listing
GB020 Zinc-containing drosses: GB021 Galvanizing slab zinc top dross (>90% Zn) GB022 Galvanizing slab zinc bottom dross (>92% Zn) GB023 Zinc die casting dross (>85% Zn) GB024 Hot dip galvanizer slab zinc dross (batch) (>92% Zn) GB025 Zinc skimmings	A1080 Waste zinc residues not included on Annex IX, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics.
GB040 Slags from precious metals and copper processing for further refining.	A1100 Dusts and residues from gas cleaning systems of copper smelters.
GC050 Spent Fluid Catalytic Cracking (FCC) catalysts (e.g. aluminum oxide zeolites).	A2030 Waste catalysts but excluding such wastes as specified on Annex IX.
GG040 Coal fired power plant fly ash	A2060 Coal fired power plant fly ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on Annex IX: B2050).
GN040 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges.	A3100 Waste parings and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on Annex IX: B3090).

Germany, possibly along with other OECD member countries, will submit applications to the Basel Convention review procedure for each of the missing 21 green listings seeking to add them to Basel Annex IX. These applications will be submitted in time to be placed on the agenda for the next meeting of the Technical Working Group (TWG) (which performs the review procedure functions within the Basel Convention) in spring 2000. The purpose of this is to attempt to minimize the inconsistencies between the lists as quickly as possible, with a view to the goal of substitution of the Basel lists for the OECD lists in C(92)39. The 27 missing amber listings will be addressed later, including whether and how to add them in light of the Annex I/Annex III scope of coverage. The issue of the different wording between the two sets of lists for the same or similar wastes and whether to submit applications to the Basel TWG to modify the Basel Annex VIII listings had not been discussed to date.

EPA is interested in learning whether members of the U.S. regulated community or others have an interest in submitting applications to the Basel TWG. Any such applications require the support of and must be submitted through at least one government—either a party or a non-party. Applications submitted through the U.S. government would need the support of and would be submitted by EPA.

III. Purpose of Today's Document

The purpose of today's document is to bring to the public's attention recommendation number 3 above and to solicit, on a voluntary basis, further information on the potential impacts of and issues associated with harmonization of C(92)39 with the Basel Convention. Interested parties are welcome to provide information on any of the other recommendations; however, EPA is most interested in receiving information on recommendation number 3 at this time. EPA may publish future **Federal Register** documents seeking voluntary information regarding the other recommendations.

In consultations with members of the U.S. regulated community, EPA has been made aware of a number of general concerns. Most of these concerns fall into two main categories: (i) the proposed replacement of the green, amber, and red lists with Basel Annexes VIII and IX; and, (ii) the proposed replacement of the Review Mechanism with the adjustment procedure. In order for EPA and other federal agencies to fully understand the potential impacts of harmonizing OECD Council Decision C(92)39 with the Basel Convention, today's notice requests specific information from interested parties.

A. Specific Information Requested by EPA

In addition to other information requested throughout this notice, EPA is asking the U.S. regulated community and other interested parties to provide the following specific information. EPA notes that this request is strictly voluntary in nature; however, the Agency encourages any and all interested parties to provide the requested information as it will be helpful to negotiators in identifying potential areas of concern.

1. Waste Lists

Regarding replacement of the OECD green, amber, and red lists with Basel Convention Annexes VIII and IX, general concerns have been expressed that use of the Basel lists could affect the flow of secondary materials and wastes throughout the OECD area. EPA is interested in specific, concrete examples of these concerns in addition to the following information:

a. *Statistics and Data.* For any and all items listed on the OECD green, amber, and red lists, and Basel Convention Annexes VIII and IX, the Agency is interested in any and all reasonably available information on: (i) established and anticipated future trade patterns within the OECD area, (ii) economic value of the trade in these wastes and materials, (iii) volumes of the wastes and materials moving within the OECD area, and (iv) any other relevant information. Of particular importance is information on secondary materials which, when recycled in certain ways, are excluded from the definition of solid waste under RCRA (e.g. characteristically hazardous sludges which, when reclaimed (including when exported within the OECD area for reclamation), are not solid wastes). Because these materials are not solid wastes in the U.S., but may be considered solid and hazardous waste in other OECD countries (and could therefore be subject to C(92)39 in those countries), EPA has no knowledge of the volume and economic value of this trade, and therefore does not fully understand how substitution of the Basel lists for the OECD lists could affect transboundary movements of these materials. EPA is also interested in receiving statistics on items listed in C(92)39, but that are not listed on Annexes VIII and IX (e.g. see section I(C)(1) above).

It should be noted that because the U.S. implements the terms of C(92)39 through RCRA, the current and any future OECD waste lists serve as guidance for the U.S. regulated

community as to how other OECD member countries likely regulate a material or waste under the terms of C(92)39. The scope of coverage for purposes of U.S. implementation of any harmonized OECD agreement will remain as it is under RCRA until and unless EPA obtains other statutory authorities that would allow or require changes to the current scope of coverage (such as, for example, amendments to RCRA to ratify and implement the Basel Convention).

b. Potential Effects on Transboundary Movements. The Agency is interested in any and all information regarding potential problems that could arise from the use of Basel Annexes VIII and IX to implement C(92)39 as compared to the green, amber, and red lists. For example, the OECD waste lists contain Harmonized System (HS), or Customs, codes where applicable. The Basel lists do not currently contain HS codes. Another example of how potential problems could arise is in the actual wording differences between the lists. For example, OECD green listing number GC020 has the following wording: ''Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery'', while the corresponding wording in Basel Annex IX listing number B1110 is: ''Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse (reuse can include repair, refurbishment or upgrading, but not major assembly), and not for recycling or final disposal (in some countries these materials destined for direct reuse are not considered wastes)''. Another example would be OECD amber listing number AA060 ''Vanadium ashes and residues'' which has no corresponding Basel Annex VIII listing because vanadium does not belong to any category in Annex I of the Basel Convention, and therefore cannot be included in Annex VIII (i.e. vanadium is outside the scope of the Basel Convention). In practice, this could result in uneven control within the OECD area.

2. Waste List Review Procedures

The Agency is interested in comments regarding changing the current Review Mechanism for adjusting the green, amber, and red lists, to a new adjustment procedure. Currently, C(92)39 mandates a standing Review Mechanism to adjust, on a regular basis, the green, amber, and red lists of wastes in appendices 3, 4, and 5 respectively. Any government, regulated entity, or other interested party can submit an application to the Review Mechanism to add, delete, move, or adjust a waste listing as long as the application is supported by at least one member government. Although some have indicated an interest in doing so, to date, no U.S. entity has ever submitted an application to the OECD Review Mechanism through EPA. This apparent lack of interest could indicate that the U.S. regulated community is generally satisfied with the OECD waste lists. Alternatively, it could mean that given the OECD waste lists serve only as guidance for the U.S. regulated community, there is not a strong need for waste list adjustments because there is no direct impact on the regulated community presented by the lists (although there can be significant indirect impacts if U.S. trading partners impose OECD controls on wastes or materials not regulated as hazardous under U.S. laws and regulations).

The future operation of C(92)39, in terms of adjustments to its new waste lists, would include a body similar to the Review Mechanism to be called the adjustment procedure. While the actual operation of the adjustment procedure would be similar to the current Review Mechanism, there would be some significant differences. Under this new ad-hoc body, a U.S. entity interested in applying to make changes to the OECD waste lists (e.g. to modify the wording of a particular listing or to move a particular listing from one list to the other) would be required to first submit an application to the Basel Convention review procedure. For example, and as previously discussed, Germany plans to submit applications for the 21 OECD green listings not currently in Basel Annex IX. If the resulting decision by the Basel COP was considered to be insufficient for purposes of intra-OECD trade, or if the COP declined to take action at all, the U.S. entity could then, with the support of EPA, submit an application to the OECD adjustment procedure seeking relief in the OECD forum. If approved by the OECD Council, the waste listing would take effect for intra-OECD transboundary movements. If not approved by the Council, several options are possible. One option would be that the Basel listing, as approved by the Basel COP, would apply within the OECD, as would be the case when no objection to a Basel listing were raised to the OECD Secretariat by an OECD member country. Another option would be that in the case where the Basel COP declines action, the unlisted waste or material would move within the OECD according to the green tier (which would apply to Basel Annex IX wastes) if non-hazardous or to the amber tier (which would apply to Basel Annex VIII wastes) if hazardous. This is very similar to the status quo where unlisted wastes that are non-hazardous move according to the green tier, and unlisted hazardous wastes move according to the red tier (note: the European Union member countries implement this provision differently in that all unlisted wastes default to red tier controls, regardless of their hazardousness). Because the red list and the corresponding red tier control procedure would be eliminated in the harmonized agreement, and amber tier controls are envisioned to apply to Annex VIII wastes, the default control procedure for an unlisted hazardous waste would be amber tier controls. A third option would be that the unlisted waste would be subject to the national procedures of the concerned OECD member countries. EPA is specifically interested in comments on these options.

3. Other Issues

Finally, EPA is interested in public comment on any other aspect of amending and harmonizing C(92)39 with the Basel Convention, including but not limited to: the value of the streamlined administrative procedures (e.g. tacit consent and pre-consent under the amber tier), the value of the risk-based approach to waste listing (including the criteria in Annex 2 of C(92)39, and the value of Customs codes in waste listings.

Dated: August 10, 1999.

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 99–21311 Filed 8–16–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

August 5, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency

may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 18, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A–804, 445 Twelfth Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0423.

Title: Section 73.3588 Dismissal of petitions to deny or withdrawal of informal objections.

Form Number: None.

Type of Review: Extension of Currently Approved Collection.

Respondents: Business or other for-profit.

Number of Respondents: 50 petitioners.

Estimated Time Per Response: 20 minutes—8 hours (20 minutes consultation; 8 hours contracted attorney).

Frequency of Response: Reporting, on occasion.

Total Annual Burden: 16 hours.

Total Annual Costs: $42,500.

Needs and Uses: Section 73.3588 requires a petitioner to obtain approval from the FCC to dismiss or withdraw its petition to deny when it is filed against a renewal application and applications for new construction permits, modifications, transfers and assignments. This request for approval must contain a copy of any written agreement, an affidavit stating that the petitioner has not received any consideration in excess of legitimate and prudent expenses in exchange for dismissing/withdrawing its petition and an itemization of the expenses for which it is seeking reimbursement. Each remaining party to any written or oral agreement must submit an affidavit within 5 days of petitioner's request for approval stating that it has paid no consideration to the petitioner in excess of the petitioner's legitimate and prudent expenses. The data is used by FCC staff to ensure that a petition to deny or informal objection was filed under appropriate circumstances and not to extract payments in excess of legitimate and prudent expenses.

OMB Control Number: 3060–0452.

Title: Section 73.3589 Threats to file petitions to deny or informal objections.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 AM/FM/TV stations.

Estimated Time Per Response: 20 minutes—1 hour (20 minute consultation time; 1 hour contracted attorney).

Frequency of Response: Reporting, on occasion.

Total Annual Burden: 2 hours.

Total Annual Costs: $1,000.

Needs and Uses: Section 73.3589 requires an applicant or licensee to file with the FCC a copy of any written agreement related to the dismissal or withdrawal of a threat to file a petition to deny or informal objection and an affidavit certifying that neither the would-be petitioner nor any person or organization related to the would-be petitioner has not or will not receive any consideration in excess of legitimate and prudent expenses incurred in threatening to file. The data is used by FCC staff to ensure that a threat to file a petition to deny or informal objection was made under appropriate circumstances and not to extract payments in excess of legitimate and prudent expenses.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–21207 Filed 8–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

August 9, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 18, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1 A–804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0711.

Title: Implementation of Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by the Telecommunications Act of 1996, NPRM (GC Docket No. 96–101, FCC 96–192), and Report and Order, (GC Docket No. 96–101, FCC 96–376, released September 12, 1996).

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities; and Federal Government.

Number of Respondents: 15.

Estimated Time per Response: 7 hours.

Frequency of Responses: One-time reporting requirement.

Total Annual Burden: 105 hours.

Total Annual Costs: $9,000.

Needs and Uses: The information will be used by the Commission to determine whether persons satisfy the statutory criteria for ''exempt telecommunications company'' status. Without such information, the Commission could not determine whether persons satisfied the requisite statutory criteria and therefore fulfill its responsibility under section 34(a)(1) of PUHCA, as amended.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–21245 Filed 8–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval

August 2, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 16, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0718

Title: Part 101 Governing the Terrestrial Microwave Fixed Radio Service

Form Number: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 1,025.

Estimate Time Per Response: 1.77 hours.

Frequency of Response: Recordkeeping; On occasion reporting requirements

Total Annual Burden: 1,609 hours.

Total Annual Costs: $90,624.

Needs and Uses: The information requirements are used to determine technical, legal, and other qualifications of applicants to operate a station in the public and private operational fixed services. The information is also used to ensure the applicants and licensees comply with the ownership and transfer restrictions imposed by Section 310 of the Act, 47 U.S.C. Section 310. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–21206 Filed 8–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

August 6, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 16, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0053.

Title: Application for Consent to Transfer of Control of Corporation Holding Station License.

Form Number: FCC 703.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; and Not-for-profit institutions.

Number of Respondents: 2,000.

Estimate Time Per Response: 36 mins. (0.6 hrs.).

Frequency of Response: Recordkeeping; On occasion reporting requirements.

Total Annual Burden: 1,200 hours.

Total Annual Costs: $82,000.

Needs and Uses: This collection of information is used to determine eligibility for licenses, without which, violations of ownership regulations could occur. FCC Rules require that applicants in the Private Land Mobile (Part 90), General Mobile (Part 95), Marine (Part 80), Aviation (Part 87), and Experimental (Part 5) Radio Services submit FCC 703 whenever it is proposed to change, as by transfer of stock ownership, the control of a station. Form 703 is required by the Communications Act of 1934, as amended; International Radio Regulations, General Secretariat of International Telecommunications Union, and FCC Rules, 47 CFR 1.922, 1.924, 5.55, 80.19, 87.21, 87.31, 90.119, and 95.111. The form is being revised to delete the collection of payment type information, as this information is submitted on FCC Form 159 (Remittance Advice) now required with any payment to the FCC. The form's instructions, Privacy Act, and public burden statements are being updated, too.

OMB Control Number: 3060–0641.

Title: Notification to File Progress Report.

Form Number: FCC 218–I.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; and Individuals or households.

Number of Respondents: 500.

Estimate Time Per Response: 1 hour.

Frequency of Response: Recordkeeping; On occasion reporting requirements.

Total Annual Burden: 500 hours.

Total Annual Costs: None.

Needs and Uses: The data are used by FCC staff to determine whether the 218–219 MHz licensee (previously IVDS) is entitled to their authorization to operate. From this data, the Commission is able to confirm that service has been made available to at least 30 percent of the population or land area within three years of license grant, and 50 percent of the population or land area within five years of license grant. The data collected ensure that licensees are making proper use of the frequency spectrum.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–21246 Filed 8–16–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL LABOR RELATIONS AUTHORITY

[FLRA Docket No. AT–RP–80005]

Notice of Opportunity To Submit Amicus Curiae Briefs in a Representation Proceeding Before the Federal Labor Relations Authority

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of the opportunity to file briefs as amici curiae in a proceeding before the Federal Labor Relations Authority in which the Authority is considering the standard to be applied to decide whether an election is necessary to determine representation of separate units of employees, represented by different labor organizations, when a reorganization results in transfer of the employees into one, new organization.

SUMMARY: The Federal Labor Relations Authority is providing an opportunity for all interested persons to file briefs as amici curiae on a significant issue arising in a case pending before the Authority. The Authority is considering the case pursuant to its responsibilities under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101–7135 (1994 and Supp. III 1997) (the Statute) and its regulations, set forth at 5 CFR part 2422. The issue concerns how the Authority should resolve a representation case arising from an agency reorganization when separate units of employees, represented by different labor organizations, have been transferred into one, new organization.

DATES: Briefs submitted in response to this notice will be considered if received by mail or personal delivery in the Authority's Office of Case Control by 5 p.m. on September 16, 1999. Placing submissions in the mail by this deadline will not be sufficient. Extensions of time to submit briefs will not be granted.

FORMAT: All briefs shall be captioned ''*Department of the Army, U.S. Army Aviation Missile Command (AMCOM), Redstone Arsenal, Alabama*, Case Nos. AT–RP–80005 and AT–RP–80007.'' Briefs must contain separate, numbered topic headings corresponding to the three questions at the end of this notice. Parties must submit an original and four copies of each amicus brief, on 8½ by 11 inch paper. Briefs must include a signed and dated statement of service that complies with the Authority's regulations showing service of one copy of the brief on all counsel of record or other designated representatives. 5 CFR 2429.27 (a) and (c). The designated representatives are: Steve Fesler, Deputy Director, Membership and Organization Department, American Federation of Government Employees, AFL–CIO, 80 F Street, NW., 7th Floor, Washington, DC 20001; John M. Paolino, Director of Collective Bargaining, National Federation of Federal Employees, 1016 16th Street, NW., Washington, DC 20036; John C. Points, Jr., AMCOM Legal, U. S. Army Aviation and Missile Command, Redstone Arsenal, AL 35898; and Brenda M. Robinson, Regional Director, Federal Labor Relations Authority, Marquis Two Tower, Suite 701, 285 Peachtree Center Avenue, Atlanta, GA 30303–1270.

ADDRESSES: Mail or deliver briefs to Peter Constantine, Director, Case Control Office, Federal Labor Relations Authority, 607 14th Street, NW., Room 415, Washington, DC 20424–0001.

FOR FURTHER INFORMATION CONTACT: Peter Constantine, Director, Case Control Office, Federal Labor Relations Authority, (202) 482–6540.

SUPPLEMENTARY INFORMATION: On July 23, 1999, the Authority granted an application for review of the Regional Director's Decision and Order on Clarification of Units in *Department of the Army, U.S. Army Aviation Missile Command (AMCOM), Redstone Arsenal, Alabama*, Case Nos. AT–RP–80005 and AT–RP–80007, 55 FLRA No. 108 (July 23, 1999). The Authority also denied AFGE Local 1858's request for a stay of the election, Member Wasserman dissenting on this aspect of the decision. A summary of that case follows. A copy of the Authority's complete decision may be obtained by telephoning Peter Constantine at the number listed above.

A. Background

American Federation of Government Employees, Local 1858, AFL–CIO (AFGE Local 1858), and National Federation of Federal Employees, Local 405 (NFFE Local 405) are the exclusive representatives of units of employees at two activities that were disestablished as a result of a reorganization, and were transferred to a newly created entity known as Army Aviation Missile Command (AMCOM), located in Redstone Arsenal, Alabama. AFGE Local 1858 represented separate professional and nonprofessional units, totaling 4,711 employees, at the former U.S. Army Missile Command (MICOM), located at Redstone Arsenal, Alabama.

NFFE Local 405 represented a unit of professional and nonprofessional employees at the former Aviation Troop Command (ATCOM), St. Louis, Missouri, from which 1,384 employees accepted transfer.

The issue is whether there is a question concerning representation regarding the former MICOM and ATCOM employees who have been transferred to AMCOM, or whether an election is unnecessary because of the relative number of employees in the respective former units, in which case all employees would be represented by the exclusive representative of the larger former unit.

B. The Regional Director's Decision

The Regional Director found that AMCOM's mission is a combination of the missions of ATCOM and MICOM. She found that separate units consisting of the former MICOM and ATCOM employees are no longer appropriate. The Regional Director further found that AMCOM is not a successor employer, and that the former ATCOM employees did not accrete to the unit represented by AFGE Local 1858.

The Regional Director directed an election among the former MICOM and ATCOM employees to determine whether they preferred to be represented by AFGE Local 1858, NFFE Local 405, or no labor organization. In directing the election, the Regional Director stated that the Authority has not defined when a group of employees represented by one labor organization will be ''sufficiently predominant'' over a number of employees in another unit so as to render unnecessary an election when the two groups are transferred to a new organization. The Regional Director then determined that in the circumstances, where AFGE Local 1858 represented 4,711 employees and NFFE Local 405 represented 1,384 employees, an election is necessary.

C. The Application for Review

AFGE Local 1858 filed the application for review, contending that review of the regional director's decision is warranted under 5 CFR 2422.31, because, among other things, there is an absence of precedent.

D. Questions on Which Briefs Are Solicited

The Authority granted the application for review under 5 CFR 2422.31(c). The Authority found that there is an absence of Authority precedent on two matters. First, it has not determined whether, in a situation where the possibility of accretion has not been recognized under Authority precedent because a reorganization has rendered inappropriate separate, preexisting bargaining units represented by different unions, an election is always necessary to certify one of them as exclusive representative in the new, appropriate unit. Second, if the Authority were to develop such doctrine through application of the ''sufficiently predominant'' or some other test, it would be necessary to determine how to assess when one group is ''sufficiently predominant'' to render an election unnecessary.

The Authority directed the parties in the case to file briefs addressing the following questions:

1. Should the Authority's ''successorship'' and/or ''accretion'' doctrine be modified to apply to situations where more than one unit of employees represented by different exclusive collective bargaining representatives are transferred to (a) a *new entity* with a new mission or (b) a *new entity* with a mission that is a combination of the missions of previously existing organizations? If so, why, and what should the modification be?

2. Is a question concerning representation necessarily raised when more than one group of employees, represented by different labor organizations, are transferred to a newly established organization, and neither our current successorship doctrine nor our current accretion doctrine permits certification without an election? If not, is it consistent with the Statute and appropriate to apply the ''sufficiently predominant'' or some other doctrine to determine whether an election is not required?

3. If Authority doctrine is modified, what guidelines, numerical or otherwise, should the Authority use to determine whether a group represented by one labor organization is sufficiently predominant to render an election unnecessary?

As this matter is likely to be of concern to agencies, labor organizations, and other interested persons, the Authority finds it appropriate to provide for the filing of amicus briefs addressing these questions.

Dated: August 12, 1999.

For the Authority.

Peter Constantine,

Director of Case Control.

[FR Doc. 99–21279 Filed 8–16–99; 8:45 am]

BILLING CODE 6727–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 31, 1999.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Gregory W. Levenson, Austin, Texas; to acquire voting shares of Las Vegas Bancorporation, Las Vegas, New Mexico, and thereby indirectly acquire voting shares of The Bank of Las Vegas, Las Vegas, New Mexico.

Board of Governors of the Federal Reserve System, August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–21209 Filed 8–16–99; 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 September 10, 1999.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Fifth Third Bancorp, Cincinnati, Ohio; to merge with Peoples Bank Corporation of Indianapolis, Indianapolis, Indiana, and thereby indirectly acquire Peoples Bank & Trust Company, Indianapolis, Indiana.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Old Mission Bancorp, Inc., Sault Saint Marie, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Old Mission Bank, Sault Saint Marie, Michigan.

C. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Harbor Bancorp, Aberdeen, Washington; to merge with Pacific Financial Corporation, Long Beach, Washington, and thereby indirectly acquire Bank of the Pacific, Long Beach, Washington.

Board of Governors of the Federal Reserve System, August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–21210 Filed 8–16–99; 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 31, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Citigroup, Inc., and Citicorp, both of New York, New York; to acquire through Citicorp Strategic Technology Corporation, New York, New York, an investment in 724 Solutions, Inc., Toronto, Canada, and engage in the development, manufacture, and distribution of software designed to provide electronic banking, brokerage and other services to consumers, pursuant to § 225.28(b)(14)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–21208 Filed 8–16–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

De Novo Corporation To Do Business Under Section 25A of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25A of the Federal Reserve Act (Edge Corporation) 12 U.S.C. 611 *et seq.* The Edge Corporation will operate as a subsidiary of the applicant, Valley National Bank, Passaic, New Jersey. The factors that are to be considered in acting on the application are set forth in the Board's Regulation K (12 CFR 211.4).

The application may by inspected at the Federal Reserve Bank of New York or at the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Comments regarding the application must be received by the Reserve Bank indicated or at the offices of the Board of Governors not later than September 16, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. CLS Services, Ltd., London, England; to establish CLS Bank International, New York, New York, as an Edge Corporation, pursuant to § 25A of the Federal Reserve Act, and a wholly owned subsidiary of CLS Services Ltd., London, England, which will offer a continuous linked settlement service intended to reduce settlement risk associated with foreign exchange trading, pursuant to § 25A of the Federal Reserve Act.

Board of Governors of the Federal Reserve System, August 12, 1999.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 99–21328 Filed 8–16–99; 8:45 am]

BILLING CODE 6210–01–F

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 noon, Monday, August 23, 1999.

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: August 13, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–21479 Filed 8–13–99; 3:49 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Revision of SF 506, Medical Record—Physical Examination

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/ICMR is revising the SF 506, Medical Record—Physical Examination to update the information collected on the patient and make the form authorized for local reproduction. You can obtain the updated form in two ways:

On the internet. Address: http://www.gsa.gov/forms/forms.htm, or;

From Forms—XR, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

DATES: Effective August 17, 1999.

Dated: August 9, 1999.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 99–21320 Filed 8–16–99; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR); Automation of Medical Standard Form 506

AGENCY: General Services Administration.

ACTION: Guideline on automating medical standard forms.

SUMMARY: With GSA's approval, the Interagency Committee on Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

Background

The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/Optional Form. With GSA's approval the ICMR eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required format (if necessary). Activities may not add data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints are approved for paper Standard/Optional forms, activities may add other data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

ELECTRONIC ELEMENTS FOR SF 506

Item	Placement*
Text:	
Title: Physical Examination	Top of form.
Form ID: Standard Form 506 (Rev.)	Bottom right corner of form.
Data Entry Fields:	
Date of Exam	
Height	
Weight—Average	
Weight—Maximum	
Weight—Present	
Temperature	
Pulse	
Blood Pressure	
Instructions—Describe (1) General Appearance and Mental Status; (2) Head and Neck (General); (3) Eyes; (4) Ears; (5) Nose; (6) Mouth; (7) Throat; (8) Teeth; (9) Cheek (General); (10) Breast; (11) Lungs; (12) Cardiovascular; (13) Abdomen; (14) Hernia; (15) Genitalia; (16) Pelvic; (17) Rectal; (18) Prostate; (19) Back; (20) Extremities; (21) Neurological; (22) Skin; (23) Lymphatics.	
Relationship to Sponsor	
Sponsor's Name—Last	
Sponsor's Name—First	
Sponsor's Name—MI	
Sponsor's ID Number (SSN or other)	
Department/Service	
Hospital or Medical Facility	
Records Maintained At	
Physical Examination	
Initial Impression	
Signature of Physician	
Name of Physician	

ELECTRONIC ELEMENTS FOR SF 506—Continued

Item	Placement*
Patient's Name—last, first, middle	Bottom left corner of form.
Patient's ID No. or SSN	Do.
Patient's Sex	Do.
Patient's Date of Birth	Do.
Patient's Rank/Grade	Do.
Register No.	Do.
Ward No.	Do.

*If no placement indicated, items can appear anywhere on the form.

FOR FURTHER INFORMATION CONTACT: CMD Steven S. Kerrick, National Naval Medical Center, Department of Ophthalmology, Bethesda, MC 20889–5000 or E-Mail at StevenK966@aol.com.

Dated: August 9, 1999.

CMD Steven S. Kerrick,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 99–21321 Filed 8–16–99; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Non-Governmental Organizations Partnerships Pilot Project

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Non-Governmental Organizations Partnerships Pilot Project, Program Announcement #99144.

Times and Dates: 8:30 a.m.–9:00 a.m., August 19, 1999 (Open); 9:00 a.m.–4:30 p.m., August 19, 1999 (Closed); 8:30 a.m.–4:30 p.m., August 20, 1999 (Closed).

Place: CDC, National Center for HIV, STD and TB Prevention, Executive Park, Building 16, Conference Rooms A and B, Atlanta, GA 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99144. Due to administrative delays, this notice is published less than 15 days prior to the meeting.

Contact Person for More Information: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail EOW1@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 11, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21259 Filed 8–12–99; 1:42 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Capacity-Building Assistance to Community-Based Organizations Serving African-American Populations Heavily Affected by the Human Immunodeficiency Virus

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Capacity-Building Assistance to Community-Based Organizations Serving African-American Populations Heavily Affected by the Human Immunodeficiency Virus, Program Announcement #99095.

Times and Date: 8:30 a.m.–9:00 a.m., August 23, 1999 (Open); 9:00 a.m.–4:30 p.m., August 23, 1999 (Closed).

Place: Professional and Scientific Associates, 2635 Century Parkway, Suite 990, Atlanta, GA 30345. Telephone 404/633–6477.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99095. Due to administrative delays this notice is published less than 15 days prior to the meeting.

Contact Person for More Information: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail EOW1@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21260 Filed 8–12–99; 1:41 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Human Immunodeficiency Virus Prevention Projects for African-American Faith-Based Organizations

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease

Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Cooperative Agreements for Human Immunodeficiency Virus Prevention Projects for African-American Faith-Based Organizations, Program Announcement #99096.

Times and Dates: 8:30 a.m.–9:00 a.m., August 24, 1999 (Open); 9:00 a.m.–4:30 p.m., August 24, 1999 (Closed); 8:30 a.m.–4:30 p.m., August 25, 1999 (Closed).

Place: Professional and Scientific Associates, 2635 Century Parkway, Suite 990, Atlanta, GA 30345. Telephone 404/633–6477.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99096. Due to administrative delays this notice is published less than 15 days prior to the meeting.

Contact Person for More Information: Megan Foley, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail mzf3@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21261 Filed 8–12–99; 1:41 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Innovative Demonstration Projects to Screen and Treat Asymptomatic Males for Chlamydia Trachomatis Infection Using Urine-Based Diagnostic Tests: Translational Research

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Innovative Demonstration Projects to Screen and Treat Asymptomatic Males for Chlamydia Trachomatis Infection Using Urine-based Diagnostic Tests: Translational Research, Program Announcement #99104.

Times and Dates: 8:30 a.m.–9:00 a.m., August 24, 1999 (Open); 9:00 a.m.–4:30 p.m., August 24, 1999 (Closed); 8:30 a.m.–4:30 p.m., August 25, 1999 (Closed).

Place: CDC, National Center for HIV, STD, and TB Prevention, Corporate Square Office Park, Building 12, Room 3106, Atlanta, GA 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99104. Due to administrative delays this notice is published less than fifteen days prior to the meeting.

Contact Person for More Information: Megan Foley, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail mzf3@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21262 Filed 8–12–99; 1:41 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Intervention Research Addressing the Primary and Secondary Prevention Needs of HIV-Seropositive Injection Drug Users

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Intervention Research Addressing the Primary and Secondary Prevention Needs of HIV-Seropositive Injection Drug Users, Program Announcement #99090.

Times and Dates: 8:30 a.m.–9:00 a.m., August 26, 1999 (Open); 9:00 a.m.–4:30 p.m., August 26, 1999 (Closed).

Place: CDC, National Center for HIV, STD and TB Prevention, Executive Park, Building 57, Fifth Floor Conference Room, Atlanta, GA 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99090.

Contact Person for More Information: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail EOW1@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21263 Filed 8–12–99; 1:42 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Strategies to Prevent Genital Herpes Simplex Infections: Building a National Prevention Program

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Strategies to Prevent Genital Herpes Simplex Infections: Building a National Prevention Program, Program Announcement #99115.

Times and Dates: 8:30 a.m.–9:00 a.m., August 17, 1999 (Open); 9:00 a.m.–4:30 p.m., August 17, 1999 (Closed); 8:30 a.m.–Noon, August 18, 1999 (Closed)

Place: CDC, National Center for HIV, STD and TB Prevention, Corporate Square, Building 12, Conference Room 3106, Atlanta, GA 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99115. Due to administrative delays, this notice is published less than 15 days prior to the meeting.

Contact Person For More Information: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail EOW1@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21264 Filed 8–12–99; 1:42 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Community Coalition Development Projects for African American Communities

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Community Coalition Development Projects for African American Communities, Program Announcement #99094.

Times and Dates: 8:30 a.m.–9:00 a.m., August 19, 1999 (Open); 9:00 a.m.–4:30 p.m., August 19, 1999 (Closed); 8:30 a.m.–4:30 p.m., August 20, 1999 (Closed);

Place: Professional and Scientific Associates, 2635 Century Parkway, Suite 990, Atlanta, GA 30345. Telephone 404/633–6477.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99094. Due to administrative delays, this notice is published less than 15 days prior to the meeting.

Contact Person for More Information: Megan Foley, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail mzf3@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21265 Filed 8–12–99; 1:42 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Community-Based HIV Prevention Services and Capacity-Building Assistance to Organizations Serving Gay Men of Color at Risk for HIV Infection

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability and Injury Prevention and Control Special Emphasis Panel: Community-Based HIV Prevention Services and Capacity-Building Assistance to Organizations Serving Gay Men of Color at Risk for HIV Infection, Program Announcement #99091.

Times and Dates: 8:30 a.m.–9:00 a.m., August 26, 1999 (Open); 9:00 a.m.–4:30 p.m., August 26, 1999 (Closed); 8:30 a.m.–4:30 p.m., August 27, 1999 (Closed).

Place: Professional and Scientific Associates, 2635 Century Parkway, Suite 990, Atlanta, GA 30345. Telephone 404/633–6477.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99091. Due to administrative delays this notice is published less than 15 days prior to the meeting.

Contact Person for More Information: Megan Foley, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 11 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025, e-mail mzf3@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–21266 Filed 8–12–99; 1:42 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0318]

Guidance for Industry: Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) and New Variant Creutzfeldt-Jakob Disease (nvCJD) by Blood and Blood Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance document entitled ''Guidance for Industry: Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) and New Variant Creutzfeldt-Jakob Disease (nvCJD) by Blood and Blood Products.'' The guidance document is intended to provide recommendations to all registered blood and plasma establishments and all establishments engaged in manufacturing plasma derivatives. The guidance document is intended to replace the FDA guidance entitled ''Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) by Blood and Blood Products'' issued on December 11, 1996.

DATES: Written comments may be submitted at any time, however, comments should be submitted by October 18, 1999, to ensure adequate consideration in preparation of a revised document, if warranted. The agency is soliciting public comment, but is implementing this guidance document immediately because of the public health concerns related to the possible risk of transmission of CJD and nvCJD by blood and blood products.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Guidance for Industry: Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) and New Variant Creutzfeldt-Jakob Disease (nvCJD) by Blood and Blood Products'' to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance document may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by fax by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. See the SUPPLEMENTARY INFORMATION section for electronic access to the guidance document.

Submit written comments on the guidance document to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Valerie A. Butler, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance document entitled ''Guidance for Industry: Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) and New Variant Creutzfeldt-Jakob Disease (nvCJD) by Blood and Blood Products.'' The guidance document is intended to replace the FDA guidance entitled ''Revised Precautionary Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease (CJD) by Blood and Blood Products'' sent by mail to blood and plasma establishments and plasma derivatives manufacturers on December 11, 1996. See notice of availability (62 FR 49694, September 23, 1997).

Recommendations addressed in the guidance document include: (1) Donor screening questions and deferral criteria, (2) disposition of implicated products, (3) consignee notification and recipient counseling, and (4) product labeling.

The guidance document represents the agency's current thinking on precautionary measures to reduce the possible risk and to assure that blood and blood products are not adulterated or misbranded, within the meaning of the Federal Food Drug and Cosmetic Act, and are safe, pure and potent within the meaning of the Public Health Service Act. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both. As with other guidance documents, FDA does not intend this document to be all-inclusive and cautions that not all information may be applicable to all situations. The guidance document is intended to provide information and does not set forth requirements.

II. Comments

The agency is soliciting public comment, but is implementing this guidance document immediately because of the public health concerns related to the possible risk of transmission of CJD and nvCJD by blood and blood products. Additionally, the guidance presents a less burdersome policy for the management of blood components and plasma derivatives in cases where the donor has classic CJD or CJD risk factors. Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this guidance document. Written comments may be submitted at any time, however, comments should be submitted by October 18, 1999, to ensure adequate consideration in preparation of a revised document, if warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance document and received comments are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the guidance document using the World Wide Web (WWW). For WWW access, connect to CBER at ''http://www.fda.gov/cber/guidelines.htm''.

Dated: August 4, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–21251 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2407]

Evaluation and Processing of Post Donation Information Reports; Compliance Policy Guide; Guidance for FDA Personnel; Availability; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a new compliance policy guide (CPG) entitled ''Evaluation and Processing of Post Donation Information Reports'' (section 230.140). This document provides guidance to FDA field and headquarters staff regarding FDA's policy related to the evaluation and processing of post donation information reports for blood and blood components.

DATES: Written comments may be provided at any time.

ADDRESSES: Submit written requests for single copies of the CPG entitled ''Evaluation and Processing of Post Donation Information Reports'' (section 230.140) to the Director, Division of Compliance Policy (HFC–230), Office of Enforcement, Office of Regulatory Affairs (ORA), 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests, or you may fax your request to 301–827–0482. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document. Written comments should be identified with the docket number found in brackets in the heading of this document and should be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Sharon O'Callaghan, Center For Biologics Evaluation and Research (CBER) (HFM–650), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–1191.

SUPPLEMENTARY INFORMATION:

I. Background

CBER issued a memorandum to blood establishments on December 10, 1993, that provided guidance concerning process control procedures that should be established and maintained for the receipt, evaluation, investigation, and followup of post donation information reports. Post donation information includes information provided by the donor or other source and received or obtained following a donation, or at a subsequent donation during the health history screening process that relates to the suitability of the donor or of the blood or blood component. This CPG provides regulatory guidance relative to the evaluation and processing of this information.

This Level 2 guidance document is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). It represents the agency's current thinking on the evaluation and processing of post donation reports. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes, regulations, or both.

II. Request for Comments

Written comments concerning the guidance may be submitted to the Dockets Management Branch (address above) at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Written comments and requests for copies are to be identified with the docket number found in brackets in the heading of this document. A copy of the CPG and received comments are available for public examination in the office above between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

An electronic version of the CPG (section 230.140) is also available on the Internet by connecting to the ORA home page at ''http://www.fda.gov/ora/compliance_ref/default.htm''.

Dated: August 9, 1999.

Dennis E. Baker,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 99–21255 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2405]

Draft ''Guidance for Industry: Information Request and Discipline Review Letters Under the Prescription Drug User Fee Act;'' Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Information Request and Discipline Review Letters Under the Prescription Drug User Fee Act.'' This draft guidance is intended to provide guidance to industry on the use of certain types of letters by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) as part of the review of marketing applications for certain drug and biological products.

DATES: Written comments may be submitted at any time, however, comments should be submitted by November 15, 1999, to ensure their adequate consideration in preparation of the final document.

ADDRESSES: Submit written requests for single copies of the draft guidance entitled ''Guidance for Industry: Information Request and Discipline Review Letters Under the Prescription Drug User Fee Act'' to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self addressed adhesive label to assist the office in processing your request. The document may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–-827–1800, or by fax by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document. Submit written comments on the document to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Murray M. Lumpkin, Center for Drug Evaluation and Research (HFD–2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5400; or

Robert A. Yetter, Center for Biologics Evaluation and Research (HFM–10), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0373.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Information Request and Discipline Review Letters Under the Prescription Drug User Fee Act.'' In a November 1997 letter to Congress regarding the reauthorization of the Prescription Drug User Fee Act (PDUFA) as part of the Food and Drug Administration Modernization Act of 1997 (Public Law 105–115), the Secretary of Health and Human Services (the Secretary) committed FDA to certain user fee performance goals and additional procedures related to the review of products in human drug applications as defined in section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) (PDUFA products). As one of the additional procedures intended to help expedite the development of drugs and biologics, the Secretary specified that FDA intends to provide early agency thoughts on possible deficiencies to applicants in a letter as each discipline finishes its initial review of its portion of the pending application. The procedures and policies described in this draft guidance are intended to explain how the agency will issue and use information request letters and discipline review letters during the review of PDUFA products.

This draft guidance document represents the agency's current thinking on information request letters and discipline review letters under PDUFA. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both. As with other guidance documents, FDA does not intend this document to be all-inclusive and cautions that not all information may be applicable to all situations. The document is intended to provide

information and does not set forth requirements.

II. Comments

This draft document is being distributed for comment purposes only, and is not intended for implementation at this time. Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this guidance document. Written comments may be submitted at any time, however, comments should be submitted by November 15, 1999, to ensure adequate consideration in preparation of the final document. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance document using the World Wide Web (WWW). For WWW access, connect to CDER at ''http://www.fda.gov/cder/guidance/index.htm'', or CBER at ''http://www.fda.gov/cber/guidelines.htm''.

Dated: August 9, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–21254 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1999.

The National Advisory Committee on Rural Health will convene its thirty-third meeting at the time and place specified below:

Name: National Advisory Committee on Rural Health

Date and Time: September 13, 1999; 8:30 a.m.– 5:00 p.m.; September 14, 1999; 8:30 a.m.–5:00 p.m.; September 15, 1999; 8:30–11:30 a.m.

Place: Omni Shoreham Hotel, 2500 Calvert Street, NW, Washington, DC 20008, Phone: (202) 234–7000.

Purpose: The National Advisory Committee on Rural Health provides advice and recommendations to the Secretary with respect to the delivery, research, development, and administration of health care services in rural areas.

Agenda: The plenary session on Monday morning, September 13, at 8:30 a.m., will include Office of Rural Health Policy update, legislative updates, NRHA Policy Institute overview, and presentation on the rural public health infrastructure project. After lunch, the Committee will begin formulating recommendations and review committee process and organization. Tuesday morning, September 14, will be spent exploring future committee options, topics and issues for the Committee. After lunch, a presentation on the Medicare Reform and its Implication for Rural: A Review of the Premium Support and the Administration proposal will be followed by panelist and Committee discussion. Late afternoon the Committee will continue formulating recommendations.

The final plenary session will be convened on Wednesday, at 8:30 a.m. During this session the Committee will conclude discussions on recommendations, Committee structure and future activities. The meeting will adjourn at 11:30 a.m.

Anyone requiring information regarding the subject Committee should contact Wayne W. Myers, M.D., Executive Secretary, National Advisory Committee on Rural Health, Health Resources and Services Administration, Room 9A–55, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone (301) 443–0835, FAX (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Sandi Lyles or Lilly Smetana, Office of Rural Health Policy, (301) 443–0835.

Agenda items are subject to change as priorities dictate.

Dated: August 11, 1999.

James J. Corrigan,

Associate Administrator for Operations and Management.

[FR Doc. 99–21256 Filed 8–16–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; PA–98–052 ''Mentored Patient-Oriented Research Career Development Award'' also PA–98–053 ''Midcareer Investigator Award in Patient-Oriented Research''.

Date: September 28–29, 1999.

Time: September 28, 1999, 7 pm to 9 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Time: September 29, 1999, 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Diane M. Reid, MD, Scientific Review Administrator, NIH, NHLBI, DEA, Two Rockledge Center, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, (301) 435–0277.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 10, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–21219 Filed 8–16–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel, Individual National Research Service Award Applications (NRSA).

Date: August 20, 1999.
Time: 1 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mary J. Stephens-Frazier, PHD, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, Bethesda, MD 20892, (301) 594–5971.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: August 10, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–21218 Filed 8–16–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 16, 1999.
Time: 1:30 pm to 3:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, 301–435–1245, richard.marcus@nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 18, 1999.
Time: 1 pm to 2 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, 301–435–1249, jelsemac@drg.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 23, 1999.
Time: 1 pm to 2 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Carl D. Banner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, 301–435–1251, bannerc@drg.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 23, 1999.
Time: 2 p.m. 4:01 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435–1215, richard.marcus@nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 23, 1999.
Time: 2 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Daniel F. McDonald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 24, 1999.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Edmund Copeland, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7804, Bethesda, MD 20892, (301) 435–1715.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 10, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–21217 Filed 8–16–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3950–N–07]

Notice of Proposed Information Collection: Comment Request Application for Designation as a Single Family Foreclosure

AGENCY: Office of General Counsel, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 18, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Patricia A. Wash, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 10245, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Bruce S. Albright, Assistant General Counsel, Single Family Mortgage Division, (202) 708–0080. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Albright.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork

Reduction Act (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 13, 1999.

Gail W. Laster,

General Counsel.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Notice of Application for Designation as a Single Family Foreclosure Commissioner (FR–3950).

Office: General Counsel.

OMB Approval Number:

Description of the Need for the Information and its Proposed Use: Under the Single Family Mortgage Foreclosure Act of 1994, HUD may exercise a nonjudicial Power of Sale of single family HUD-held mortgages and may appoint Foreclosure Commissioners to do this. HUD needs the Notice and resulting applications for compliance with the Act's requirements that commissioners be qualified. Most respondents will be attorneys, but anyone may apply.

Form Number: None.

Respondents: Business or Other For-Profit and Individuals or Households.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Applicants (1999)	30		1		.5		15
Applicants (Later Years)	30		1		.5		15

Total Estimated Burden Hours: 30.

Status: Extension of a currently approved collection.

Contact Persons and Telephone Numbers (these are not toll-free numbers) for copies of available documents: Bruce S. Albright, Assistant General Counsel, Single Family Mortgage Division, (202) 708–0080; Matthew C. Forman, Deputy Assistant General Counsel, Single Family Mortgage Division, (202) 708–0080; Wayne Eddins, Reports Management Officer, (202) 708–1305.

[FR Doc. 99–21239 Filed 8–16–99; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4410–FA–06]

Announcement of Funding Awards for the Economic Development Initiative Program, Fiscal Year 1999

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice 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 in a competition for funding under the Super Notice of Funding Availability (SuperNOFA) for the Economic Development Initiative (EDI) Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Donner Buchet, Director, Community and Economic Development Services, Office of Community Planning and Development, 451 7th Street, SW, Washington, DC 20410; telephone (202) 708–2290 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339. For general information on this and other HUD programs, call Community Connections at 1–800–998–9999.

SUPPLEMENTARY INFORMATION: The EDI program was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. The purpose of EDI grant funds is to further minimize the potential loss of future CDBG allocations by: strengthening the economic feasibility of the projects financed with Section 108 funds; directly enhancing the security of the guaranteed loan; or through a combination of these or other risk mitigation techniques. EDI and Section 108 funds are intended to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base.

The competition was announced in the SuperNOFA published in the **Federal Register** on February 26, 1999 (64 FR 9791). Applications were rated and selected for funding on the basis of selection criteria contained in that Notice.

A total of $34,623,263 was awarded to 28 projects nationwide. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987. 42 U.S.C. 3545), the Department is publishing the grantees

and amounts of the awards in Appendix A to this document.

Dated: August 11, 1999.

Joseph A. D'Agosta,

General Deputy Assistant Secretary for Community Planning and Development.

Appendix A

City of Huntington Park, CA
$825,000
City of Long Beach, CA
$1,000,000
County of Los Angeles, CA
$2,000,000
City of Monterey Park, CA
$540,000
City of Richmond, CA
$1,000,000
City of San Diego, CA
$1,485,000
City of Visalia, CA
$375,000
City of Hartford, CT
$2,000,000
City of New Haven, CT
$2,000,000
City of Fort Myers, FL
$500,000
County of Miami-Dade, FL
$2,000,000
City of Tallahassee, FL
$1,500,000
City of New Bedford, MA
$250,000
County of Prince Georges, MD
$1,000,000
City of Flint, MI
$700,000
City of Minneapolis, MN
$2,000,000
City of Gastonia, NC
$1,000,000
City of Reno, NV
$300,000
City of Buffalo, NY
$2,000,000
City of Mount Vernon, NY
$1,989,496
City of New York, NY
$1,998,000
City of New York, NY
$2,000,000
City of Yonkers, NY
$1,000,000
City of Lancaster, OH
$1,662,500
City of Columbia, SC
$2,000,000
City of Spartanburg, SC
$398,267
City of Sumter, SC
$500,000
City of Charleston, WV
$600,000

[FR Doc. 99–21238 Filed 8–16–99; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–09–0777–42]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will participate in a field tour of the BLM-administered public lands within the Northern and Eastern Mojave Planning Area on Friday, September 24, 1999, and meet in formal session on Saturday, September 25 from 8 a.m. to 5 p.m. The Saturday meeting will be held at the California State University Desert Studies Center, located at Soda Springs, eight miles southwest of Baker, California and 60 miles east of Barstow, California. To reach the Center, take the Zzyzx Road exit off Interstate 15 and drive south four miles to the Center.

The Council and interested members of the public will assemble for the field tour at the Desert Studies Center parking lot at 7:15 a.m. and depart at 7:30 a.m. Members of the public are welcome to participate in the tour, but should plan on providing their own transportation, drinks, and lunch.

The Saturday meeting agenda will include discussions on the bioregional planning efforts, the recreation fee demonstration pilot program, the Army's proposed expansion of the National Training Center at Fort Irwin, and a proposed National Monument designation for the San Jacinto and Santa Rosa Mountains.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the beginning of the meeting for topics not on the agenda.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Carole Levitzky at (909) 697–5217 or Doran Sanchez at (909) 697–5220, BLM California Desert District Public Affairs.

Dated: August 11, 1999.

Tim Salt,

District Manager.

[FR Doc. 99–21267 Filed 8–16–99; 8:45 am]

BILLING CODE 4310–40–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–180–99–1430–01: CA 39262]

Realty Action, Recreation and Public Purposes (R&PP) Act Classification; Placer County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Recreation and Public Purposes (R&PP) Act Classification; Placer County, California.

SUMMARY: The following public lands in Placer County, California have been examined and found suitable for classification for conveyance to the Iowa Hill Community Club under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Iowa Hill Community Club proposes to use the following lands for a fire station.

Mount Diablo Meridian, California

T. 15 N., R. 10 E.,
sec. 33, lot 66.
Containing 2.50 acres, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with the current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. An easement for streets, roads, and utilities in accordance with the transportation plan for Placer County.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Folsom Field Office, 63 Natoma Street, Folsom, California.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land

laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Manager, Folsom Field Office, 63 Natoma Street, Folsom, CA 95630.

Classification Comments

Interested parties may submit comments involving the suitability of the lands. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the applications and plan of developments, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karen Montgomery, BLM Folsom Field Office, (916) 985–4474.

D.K. Swickard,

Field Manager.

[FR Doc. 99–21326 Filed 8–16–99; 8:45 am]

BILLING CODE 4310–40–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–180–99–1430–01: CA 40276]

Realty Action, Recreation and Public Purposes (R&PP) Act Classification; Tuolumne County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—Recreation and Public Purposes (R&PP) Act Classification; Tuolumne County, California.

SUMMARY: The following public lands in Tuolumne County, California have been examined and found suitable for classification for lease or conveyance to the Mariposa, Amador, Calaveras, Tuolumne (MACT) Indian Health Board under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The MACT proposes to use the following lands for a health clinic and cultural center.

Mount Diablo Meridian, California

T. 1 N., R. 16 E.,
sec. 5, lot 16.

Containing 15.35 acres, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with the current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. An easement for streets, roads, and utilities in accordance with the transportation plan for Tuolumne County.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Folsom Field Office, 63 Natoma Street, Folsom, California.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Manager, Folsom Field Office, 63 Natoma Street, Folsom, CA 95630.

Classification Comments

Interested parties may submit comments involving the suitability of the lands. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the applications and plan of developments, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karen Montgomery, BLM Folsom Field Office, (916) 985–4474.

D.K. Swickard,

Field Manager.

[FR Doc. 99–21327 Filed 8–16–99; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

Missouri/Niobrara/Verdigre Creek National Recreational Rivers

AGENCY: National Park Service.

ACTION: Availability of final boundary map.

SUMMARY: In accordance with section 3(b) of the Wild and Scenic Rivers Act (62 Stat. 906 as amended; 16 U.S.C. 1274), notice is hereby given that the official, detailed boundary maps, drawing number 652–80001, dated July 12, 1999, for the Missouri/Niobrara/Verdigre Creek National Recreational Rivers are completed and available.

FOR FURTHER INFORMATION CONTACT: Superintendent Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, telephone 402–336–3970.

SUPPLEMENTARY INFORMATION: On May 24, 1991, the 25-mile segment of the Niobrara River from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, along with the 39-mile segment of the Missouri River from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, all were designated recreational rivers by Public Law 102–50, an amendment to the Wild and Scenic Rivers Act. In accordance with section 3(c) of the Wild and Scenic Rivers Act

notice is hereby given that the above said maps are now available for inspection at the following eight locations: The Department of the Interior, National Park Service, Land Resources Division, 1849 C Street NW, Room 2444, Washington, DC 20240; Midwest Regional Office, Land Resources Division, 1709 Jackson Street, Omaha, Nebraska 68102; Niobrara/Missouri National Scenic Riverways Headquarters, 114 North 6th Street, O'Neill, Nebraska 68763–0591; Gregory County Court House, County Clerk's Office, 221 East 8th Street, Burke, South Dakota; Charles Mix County Court House, County Clerk's Office, 400 Main Street East, Lake Andes, South Dakota; Bon Homme County Court House, County Auditor's Office, 300 West 18th Street, Tyndall, South Dakota; Boyd County Court House, County Clerk's Office, 117 Thayer Street, Butte, Nebraska; Knox County Court House, County Clerk's Office, Court House Square, Center, Nebraska. Maps are also available in five public libraries as follows: Lynch, Niobrara, and Verdigre, Nebraska; Gregory and Wagner, South Dakota. Please address any questions or requests to Superintendent at the address given above.

Dated: August 6, 1999.

Catherine Damon,

Acting Regional Director, Midwest Region.

[FR Doc. 99–21221 Filed 8–16–99; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 23, 1999 at 10:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–401 and 731–TA–852–855 (Preliminary) (Certain Structural Steel Beams from Germany, Japan, Korea, and Spain)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on August 23, 1999.)
5. Inv. No. 731–TA–282 (Review) (Petroleum Wax Candles from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on September 1, 1999.)
6. Outstanding action jackets:
   (1) Document No. EC–99–012: Approval of final report in Inv. No. 332–403 (Assessment of the Economic Effects on the United States of China's Accession to the WTO).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: August 12, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–21435 Filed 8–13–99; 2:26 pm]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; study of employment eligibility.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty-days'' until October 18, 1999.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* Study of Employment Eligibility.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File No. OMB–21). Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. The surveys will be used to collect data that will be analyzed to determine the effectiveness of the pilots to deter the hiring of aliens who are not legally authorized to work.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 3,327 respondents with 7,158 responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 5,323 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: August 11, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc 99–21335 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: application to preserve residence for naturalization.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty-days'' until October 18, 1999.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Preserve Residence for Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–470. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information will be used to determine whether an alien who intends to be absent from the United States for a period of one year or more is eligible to preserve residence for naturalization purposes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300 responses at 15 minutes (.25 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 75 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: August 11, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–21336 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: election form to participate in an employment eligibility confirmation pilot program.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on August 25, 1998 at 63 FR 45262, allowing for a 60-day public comment period. No public comment was received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 16, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement without change of a previously approved collection.

(2) *Title of the Form/Collection:* Election Form to Participate in an Employment Eligibility Confirmation Pilot Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–876. SAVE Program, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Businesses or other for-profit. The information gathered from employers will assist the INS in allocating resources and priorities in

conducting the three pilot programs mandated by Pub. L. 104–208.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 200,000 responses at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW, Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: August 11, 1999.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 99–21337 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed collection; Comment Request

ACTION: Notice of information collection under review; new collection (reinstatement, with change, of a previously approved collection for which approval has expired); Equal Employment Opportunity Plan Certification and Short Form.

The Department of Justice, Office of Justice Programs, Office for Civil Rights, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on June 15, 1999, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until September 16, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Equal Employment Opportunity Plan Certification and Short Form.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State and Local governmental instrumentalities.

Other: For Profit Institutions.

28 CFR 301 *et seq.* authorizes the Department of Justice to collect information from State or local units of government, agencies of State and local governments, and private entities, institutions or organizations to which financial assistance is extended regarding their employment practices.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 1,500 respondents receiving a grant of $500,000 or more will complete a 1-hour Equal Employment Opportunity Plan Short Form and submit it to the Office of Justice Programs. In addition, an estimated 10,000 of respondents seeking grants ranging from $25,000 up to $500,000 will be required to complete the ¼ hour certification stating that they are maintaining a current Equal Employment Opportunity Plan on file and submit the certification to the Office of Justice Programs.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the Equal Employment Opportunity Plan Short Form is 24,000 hours. The total hour burden to complete the EEOP certification is 40,000. The annual burden hours is 64,000.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue, NW., Washington, DC 20530.

Dated: August 10, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 99–21241 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of information collection under review; reinstatement, with change, of a previously approved

collection for which approval has expired. Census of State and Federal Adult Correctional Facilities, Form CJ–43.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty 60 day'' until: October 18, 1999. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Darrell K. Gilliard, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 810 7th Street, NW, Washington, DC 20530.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* Census of State and Federal Adult Correctional Facilities.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Forms CJ–43, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, State, and District prison authorities. The Census of State and Federal Adult Correctional Facilities is conducted every five to six years, obtaining information on each type of facility designed to house adults sentenced to confinement by a State, District, or Federal court. These facilities include prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; road camps; forestry and conservation camps; youthful offender facilities (except in California); vocational training facilities; prison hospitals; drug and alcohol treatment facilities; and State operated local detention facilities. Questions included in the Census will cover facility characteristics such as security level, use of space, capacity, planned changes, court orders or consent decrees, average daily population, internal units, staffing, assaults, mental and health issues, and programs. The Census will also include questions on inmate demographics, offense characteristics, deaths, and custody levels. The census also furnishes the sampling frame for the Survey of Inmates in State Correctional Facilities, the Survey of Inmates in Federal Correctional Facilities, and other facility-based sample surveys. The Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3732) authorizes the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice to collect this information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,750 respondents will complete a 2-hour census form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total number of burden hours to complete the Census of State and Federal Adult Correctional Facilities is 3,500 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, Washington Center, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Dated: August 11, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99–21250 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

National Institute of Justice

Office of Research and Evaluation; Agency Information Collection Activities: Extension of a Previously Approved Collection for Which Approval Has Expired; Comment Requested

ACTION: Notice of information collection under review; Reinstatement, without change, of a previously approved collection for which approval has expired.

Crime Mapping Survey

The Department of Justice, National Institute of Justice, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by August 20, 1999. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of Research and Evaluation, National Institute of Justice, 810 7th Street, NW, Washington, DC 20531, or via facsimile (202) 616–0275, Attention: La Vigne.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) *Type of Information Collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* Crime Mapping Survey.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form: none. Office of Research and Evaluation, National Institutes of Justice, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be as or required to respond, as well as a brief abstract: Primary:* Law enforcement Agencies. *Other:* None. This national survey is designed to determine the extent to which police departments, specifically crime analysts, are using computerized crime mapping. Surveys will be mailed to randomly select sample of police departments. The questionnaire will determine the level of crime mapping within departments, both in terms of hardware and software resources, as well as the types of maps that are produced and how they are used. The information collection from this survey will be used to advise the activities of the Crime Mapping Research Center.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 2,798 respondents for an average of 33 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 652 burden hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy, Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 850, Washington Center, 1001 G Street NW, Washington, DC 20530.

Dated: August 11, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States, Department of Justice.

[FR Doc. 99–21240 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Notice of Meeting

Notice is hereby given of the date and location of the next meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act. NACOSH will hold a meeting on September 21 and 22, 1999, in Room N 3437 A–D of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, D.C. The meeting is open to the public and will begin at 1:00 p.m. lasting until approximately 5:00 p.m. the first day, September 21. On September 22, the meeting will begin at 9:00 a.m. and last until approximately 4:00 p.m.

During its November 1998 meeting, NACOSH decided that one of its areas of activity over the next two years would be to study OSHA'S standards development process. The Committee plans to continue this study at its September meeting by studying the role of professional associations and consensus standards setting organizations in the standards development process. NACOSH has invited five consensus standards setting organizations and five professional associations related to occupational safety and health to participate in panel discussions on OASHA's standards development process. Members of the public are invited to submit written comments.

Other agenda items will include: an overview of current activities of the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH), a discussion of NIOSH surveillance activities and a discussion of OSHA training, in addition to workgroup reports.

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Because of the need to cover a wide variety of subjects in a short period of time, there is usually insufficient time on the agenda for members of the public to address the committee orally. However, any such requests will be considered by the Chair who will determine whether or not time permits. Any request to make an oral presentation should state the amount of time desired, the capacity in which the person would appear, and a brief outline of the content of the presentation. Individuals with disabilities who need special accommodations should contact Theresa Berry (phone: 202–693–1999; FAX: 202–693–1634) one week before the meeting.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of Labor Building (202–693–2350). For additional information contact: Joanne Goodell, Occupational Safety and Health Administration (OSHA); Room N–3641, 200 Constitution Avenue NW, Washington, DC, 20210 (phone: 202–693–2400; FAX: 202–693–1641; e-mail joanne.goodell@osha.gov; or at www.osha.gov).

Signed at Washington, DC, this 11th day of August, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 99–21291 Filed 8–16–99; 8:45 am]

BILLING CODE 4510–26–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

United States Section; Notice of Intent To Prepare an Environmental Impact Statement for the Rio Grande Canalization Project, Sierra and Doña Ana Counties, New Mexico and El Paso County, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement (EIS).

SUMMARY: This notice advises the public that pursuant to section 102(2) (c) of the National Environmental Policy Act of 1969, as amended, the United States Section, International Boundary and

Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate the impacts of a River Management Plan by the USIBWC on the existing Rio Grande Canalization Project in Sierra and Doña Ana counties, New Mexico and El Paso County, Texas and prepare an EIS to document those effects. This notice is being provided as required by the Council on Environmental Quality Regulations (40 CFR 1501.7) and the USIBWC's Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, published in the **Federal Register** September 2, 1981 (46 FR 44083–44094) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the EIS.

DATES: The USIBWC will conduct two public scoping meetings from 6:00 to 8:00 p.m. MST on Tuesday, October 5, 1999 at the Las Cruces Hilton, 705 South Telshor Boulevard, Las Cruces, New Mexico, and on Wednesday, October 6, 1999 at the EL Paso Airport Hilton, 2027 Airways Boulevard, El Paso, Texas. Full public participation by interested federal, state, and local agencies as well as other interested organizations and the general public is encouraged during the scoping process which will end 60 days from the date of this notice. Public comments on the scope of the EIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested.

FOR FURTHER INFORMATION CONTACT: Comments will be accepted for 60 days following the date of this notice by Mr. Douglas Echlin, Environmental Protection Specialist, Environmental Management Division, USIBWC, 4171 North Mesa Street, C–310, EL Paso, Texas 79902. Telephone: 915/832–4741, Facsimile: 915/832–4167. E-mail: dougechlin@ibwc.state.gov.

SUPPLEMENTARY INFORMATION: .

1. Proposed Action

The Rio Grande Canalization Project (Canalization Project) extends for about 106 miles along the Rio Grande from Percha Diversion Dam, located downstream from Caballo Dam in Sierra County, New Mexico, to the vicinity of American Diversion Dam in El Paso County, Texas. The Canalization Project was constructed between 1938 and 1943 in compliance with the convention between the United States and Mexico concluded May 21, 1906, to provide for the equitable division of the waters of the Rio Grande for use in the two countries. The project included acquisition of right of way for the river channel and adjoining floodways and improvement of the alignment and efficiency of the river channel to convey deliveries to Mexico, as well as conveyance of deliveries to the United States Bureau of Reclamation Rio Grande Project in the El Paso valley of Texas. The Canalization Project also controls floods in the river reach which extends through the Rincon and Mesilla valleys of New Mexico. Proposed construction activities that will be studied in this EIS include but may not be limited to raising and strengthening existing levees, channel improvements such as widening or armoring with riprap, and installation of grade control structures. In addition, the EIS will study the environmental effects of a long-range maintenance plan that will be developed.

2. Alternatives

The USIBWC as lead agency proposes to collect information necessary for the preparation of an EIS; to analyze flood protection measures and alternatives to current management, including watershed-oriented and non-structural alternatives and collaborative measures with other agencies and landowners; to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders and overbank flooding. The EIS will consider a range of alternatives, including the no action alternative, based on issues and concerns associated with the project.

The EIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; explain the flood protection project; and evaluate the impacts associated with the alternatives under consideration. Significant issues which have been identified to be addressed in the EIS include but are not limited to impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, and recreation.

Coordination with the United States Fish and Wildlife Service will ensure compliance with the Fish and Wildlife Coordination Act and section 7 of the Endangered Species Act of 1973, as amended. Cultural resources reconnaissance for the project area will be coordinated with both the New Mexico State Historic Preservation Officer and the Texas State Historic Preservation Officer. Other federal and state agencies, as required, will also be consulted to ensure compliance with federal and state laws and regulations.

The USIBWC has invited several agencies including the United States Bureau of Reclamation and United States Fish and Wildlife Service to participate as cooperating agencies pursuant to 40 CFR 1501.6, to the extent possible. Other agencies may be invited to become cooperators as they are identified during the scoping process.

The environmental review of this project will be conducted in accordance with the requirements of NEPA, CEQ Regulations (40 CFR Parts 1500—1508), other appropriate federal regulations, and the USIBWC procedures for compliance with those regulations. Copies of the EIS will be transmitted to federal and state agencies and other interested parties for comments and will be filed with the Environmental Protection Agency in accordance with 40 CFR Parts 1500–1508 and USIBWC procedures.

The USIBWC anticipates the Draft EIS will be made available to the public by March 2001.

Dated: August 10, 1999.

William A. Wilcox, Jr.,

Legal Advisor.

[FR Doc. 99–21390 Filed 8–16–99; 8:45 am]

BILLING CODE 4710–03–M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978 (P.L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, P.L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by September 13, 1999. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755,

Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 306–1030.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctica Conservation Act of 1978 (Public Law 95–541), has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

1. *Applicant:* Steven D. Emslie, Department of Biological Sciences, University of North Carolina, Wilmington, NC 28403

[Permit Application No. 2000–001]

Activity for Which Permit Is Requested

Take, Enter Antarctic Specially Protected Areas and Import Into the U.S.A.

The applicant proposes to conduct surveys and excavations of modern and abandoned penguin colonies by surveying ice-free areas to locate evidence of a breeding colony (pebble and/or bone sconcentrations, and rich vegetation). The sites will be sampled by placing a test pit, no more than 1x1 meter in size, in the colony and excavating in 5–10 cm level until bedrock or non-ornithogenic sediments are encountered. To minimize impacts, test pits will be placed in areas with little or no vegetation when possible. Upon completion of the excavation, test pits will be refilled and any vegetation disturbed on the surface will be replaced. Collected sediments will be taken to the laboratory for processing. Sediments will be washed through fine-mesh screens; all organic remains will be sorted from the sediments and preserved for identification and analysis.

The applicant proposes to enter the following Antarctic Specially Protected Areas to conduct surveys: ASPA 106—Cape Hallett, Victoria Land; ASPA 113—Litchfield Island, Arthur Harbor; ASPA 121—Cape Royds, Ross Island; ASPA 124—Cape Crozier, Ross Island; ASPA 125—Fildes Peninsula, King George Island; ASPA 128—Western shore of Admiralty Bay, King George Island; ASPA 129—Rothera Point, Adelaide Island; ASPA 132—Potter Peninsula, King George Island; ASPA 139—Biscoe Point, Anvers Island; and ASPA 151—Lions Rump, King George Island.

The applicant also wishes to salvage and import into the U.S. whole remains of native Antarctic birds, or partial specimens, that are found on beaches or at the colonies. The specimens will be shipped to the University of North Carolina, Wilmington, for identification and analysis. All specimens will remain at the University or other appropriate universities or museums for permanent storage.

Results of the research will provide information on the former distribution of penguins in Antarctica. These data will be compared to the paleoclimatic record to investigate patterns in population fluctuations of penguins in relation to climate change in the past. This information, in addition to data on modern population changes with global warming, will test hypotheses on how penguins respond to climate change and will help develop predictive model for future responses by these species to continued global warming.

Location

ASPA 106—Cape Hallett, Victoria Land;
ASPA 113—Litchfield Island, Arthur Harbor;
ASPA 121—Cape Royds, Ross Island
ASPA 124—Cape Crozier, Ross Island;
ASPA 125—Fildes Peninsula, King George Island;
ASPA 128—Western shore of Admiralty Bay, King George Island;
ASPA 129—Rothera Point, Adelaide Island;
ASPA 132—Potter Peninsula, King George Island;
ASPA 139—Biscoe Point, Anvers Island; and
ASPA 151—Lions Rump, King George Island.

Dates

January 1, 2000 to December 31, 2005

2. *Applicant:* Donald B. Siniff, Department of Ecology, Evolution and Behavior, 100 Ecology Building, University of Minnesota, St. Paul, Minnesota 55108

[Permit Application No. 2000–003]

Activity for Which Permit Is Requested

Taking, Export from the U.S. and Import into the U.S.

The applicant proposes to tag and collect epidermal and adipose tissue (0.5 cm by o.5 cm) from the rear flipper of several seal species. Modern molecular genetic methods will be used to analyze the DNA extracted from the tissue samples. The project is part of a large international program studying Antarctic Pack Ice Seals (APIS). This particular project is to address the genetic patterns among the four species of Antarctic pack ice seals (Weddell, Leopard, Ross and Crabeater seals). The project is investigating the patterns of heterozygosity among the four species and relating these patterns to their overall life history characteristics. The work will contribute to the understanding of the evolutionary history of pack ice species with respect to the origin of ecological separation. Samples collected by other investigators will contribute to a continent-wide assessment of the degree of genetic variation with populations of Antarctic phocids.

In addition, the applicant wishes to salvage any seal skulls that are found. These samples will be cleaned and analyzed for age and placed on permanent loan to the National Marine Mammal Lab or the University of Minnesota Bell Museum of Natural History and will be used for educational purposes.

Location

Pack ice areas in the Ross Sea and Bellingshausen Sea

Dates

December 12, 1999 to February 15, 2000

3. *Applicant:* Paul J. Ponganis, CMBB/ Scripps Institute of Oceanography, University of California, San Diego, La Jolla, CA 92093–0204

[Permit Application No. 2000–004]

Activity for Which Permit Is Requested

Taking and Import Into the U.S.

The applicant proposes to capture up to 60 Emperor adults and equip them with various depth recorders, physiological recorders, or a video camera unit. These instruments will measure temperature change and mechanisms of heat loss during diving. The video camera research will document the frequency and techniques of prey capture, and relate feeding events to temperature change.

The applicant also proposes to capture up to 40 Emperor chicks to biopsy muscle samples. This will allow examination of myoglobin mRNA content in relation to myoglobin concentration in both adults and developing chicks. The chicks will be biopsied over several months to sample different age groups. In addition, a

group of approximately 15 Emperor chicks will be transported to McMurdo and maintained there for about a month in order to obtain samples in older (post-fledge) chicks. All birds will be released back into the wild at the end of the study.

The applicant also wishes to salvage up to 10 Emperor carcasses per year and transport them back to the U.S. for anatomical studies at Scripps Institute of Oceanography.

Location

McMurdo Sound sea ice, Cape Washington and McMurdo Station

Dates

September 1, 1999 to February 28, 2002

4. *Applicant:* Michael A. Castellini, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99775

[Permit Application No. 2000–005]

Activity for which Permit is Requested

Taking and Import into the United States

The applicant is a participant in a multi-institutional program to study Antarctic Pack Ice Seals (APIS). As a component of this project, the applicant proposes to capture up to 200 Weddell, Crabeater and Leopard seals each, and up to 10 each of Ross, Fur and Elephant seals. Blood and biopsy samples of blubber will be collected. The blood and biopsy samples, along with a suite of morphometric analyses, will be collected from all seals to assess a suite of bio-indicators of health. Data will be taken along with other program components which will provide medical examinations of each seal, acoustic and behavioral studies, oceanographic, ice and weather observation and capture of prey items. The combined results will provide the most detailed model of the link between ice seals and their environment.

Location

Sea Ice areas of the Ross and Amunden Seas

Dates

December 15, 1999 to April 1, 2001

5. *Applicant:* Wayne Z. Trivelpiece, P.O. Box 271, Antarctic Ecosytsem Research, Southwest Fisheries Science Center, La Jolla, CA 92038

[Permit Application No. 2000–006]

Activity for Which Permit is Requested

Take and Enter Antarctic Specially Protected Area.

The applicant is continuing a study of the behavioral ecology and population biology of the Adelie, Gentoo, and Chinstrap penguins and the interactions among these species and their principal avian pedators: skuas, gulls, sheathbills, and giant petrels. The applicant proposes to band 1000 Adelie and Gentoo penguin chicks, plus adults of all three penguin species, as needed (not greater than 150 per species), to fulfill research goals. In addition, bands will be applied to adults and chicks of the avian predator species as necessary. The applicant will continue a study of the penguins' foraging habits which involves the application of radio-transmitters (Txs), satellite tags (PTTs), and time-depth recorders (TDRs) to a maximum of 50 adult penguins per species. The study of foraging habits also involves the stomach pumping of a maximumn of 40 adult penguins per species. Finally the applicant will collect one (1) milliliter blood samples from a maximum of 20 breeding adults of each penguins species for use in DNA analysis.

Location

Admiralty Bay (ASPA #128 King George Island, South Shetland Islands

Dates

October 1, 1999 to April 2000

6. *Applicant:* David Ainley, H.T. Harvey & Associates, P.O. Box 1180, Alviso, CA 95002

[Permit Application No. 2000–007]

Activity for Which Permit Is Requested

Taking and Enter Antarctic Specially Protected Areas

The applicant is conducting research to attempt to explain why penguin populations have been increasing in the Ross Sea, by intensive studies at colonies on Ross Island. This work will be incorporated into the long-term study of populations dynamics mentioned in the Royds management plan. The applicant proposes to enter Cape Crozier (ASP #124) and Cape Bird for purposes of banding up to 1,000 chicks at each site. Furthermore the applicant proposes to band up to 400 chicks each at Cape Royds (ASPA # 121) and Beaufort Island (ASPA #105). Approximately 150 adults will be banded at these four sites. The banding of chicks at Beaufort Island is necessary to test the theory that the Adelie Penguin Colony at Beaufort could be a ''source'' colony for emigrants that eventually breed at other Ross Island colonies. It is believed Beaufort is a source colony because there is very little availability of additional nesting sites. Banding a sample of chicks and looking for them at nearby colonies in subsequent years would test this theory.

Approximately, 15 adult Adelies per year at Royds, Bird and Crozier, and 7 at Beaufort Island will be fitted with radio transmitters to be worn for 2–3 weeks during January and then removed. The radio transmitters will provide information on the penguins foraging area offshore. Additionally, 25 adult Adelies at Cape Bird and Cape Crozier and 15 adults at Cape Royds will be fitted with time-depth-recorders (TDRs). The TDR's will record swimming depth, frequency of dives and number of dives per foraging trip. PIT tags (Passively Interrogated Transponder) will also be fitted to 10–20 adults each year at Capes Bird, Royds and Crozier. The goal is to have 70 tagged birds at each colony each year; thus, new birds given the tags each year replace only those that did not reappear one year to the next.

To obtain an index on chick condition, between 30–50 chicks will be measured and weighed weekly for a month at Capes Royds, Bird and Crozier. Only 30 chicks will be weighed and measured at the Beaufort Island colony on one of two trips to the site during the season. The applicant proposes to conduct studies of the foraging energetic of Adelie Penguins on Ross Island. This involves the capturing of up to 25 birds each at Cape Crozier and Cape Bird and possibly Cape Royds. The birds will be weighed, a 3 cc blood sample drawn and then injected with 0.6 cc's of double-labeled water. The birds will be held for 3 hours to allow the injected water to equilibrate, then a second blood sample will be drawn. The doubly labeled water studies will provide information on the energetics of foraging, and specifically, if longer foraging trips are more energy demanding than shorter ones for penguins at Cape Bird or Cape Royds.

Samples collected in the field will be returned to the U.S. for complete analysis.

Location

Cape Crozier (ASPA #124), Cape Royds (ASPA #121) and Cape Bird, Ross Island, and Beaufort Island (ASPA 105), Ross Sea.

Dates

December 1, 1999 to February 15, 2002

7. *Applicant:* W. Berry Lyons, Department of Geology, University of Alabama, Box 870338, Tuscaloosa, AL 35487–0338

[Permit Application No. 2000–008]

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Area

The applicant proposes to enter Antarctic Specially Protected Area (ASPA #131), Canada Glacier, Lake Fryxell, Taylor Valley, for purposes of conducting studies under the Long-Term Ecological Research (LTER) Program. The applicant proposes to enter the site to conduct maintenance on the previously installed continuously recording stream gage station that provides one of the longest records of discharge in the Taylor Valley. In addition, the applicant proposes to collect water quality samples of the meltwater coming off the Canada Glacier and along the length of the stream to study in-stream biogeochemical processes. Samples of the microbial mats may also be collected once per summer field season.

The applicant also proposes to enter the Antarctic Specially Protected Area to study the site's unique soil content. The Canada stream has occasional algal blooms, and the system is of interest because of its relatively high primary production unlike the typical dry valley soils. The LTER team plans to collect soil samples on a transect starting in the stream channel and working eastward perpendicular to the stream channel.

The Canada Glacier is the most intensively studied glacier in the LTER study program. One particularly import aspect of the glacier mass balance study is the calving and melting of ice from the glacier walls. Therefore, the applicant requests access to the glacier wall twice during each field season to take measurements.

Location

Antarctic Specially Protected Area #131: Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land

Dates

October 1, 1999 to February 2005

8. *Applicant:* John E. Carlstrom, Center for Astrophysical Research in Antarctica (CARA), Department of Astronomy and Astrophysics, University of Chicago, 5640 South Ellis Avenue, Chicago, IL 60637

[Permit Application No. 2000–010]

Activity for Which Permit Is Requested

Introduce a non-indigenous species into Antarctica

The applicant plans to ship 200 pounds of active dry baking yeast (*Saccharomyces cerevisiae*) to Amundsen-Scott South Pole Station as part of an educational outreach project in conjunction with NASA and their new thrust in astrobiology and extremophiles. The commercial packaging consists of strips of 3-quarter ounce packages. The yeast will remain in the commercial packaging, in plastic bags, in a container while in Antarctica. The containerized yeast will be exposed to the extreme climate of the South Pole during the summer and winter months. Middle and elementary school students will be able to follow the deployment of the yeast, and the weather conditions at the Pole via a web site. The web site will have many facets such as a question and answer section, a travel log of the deployment, weather conditions, digital images of the trip and the yeast container as the season progresses. The goal of the project is to motivate students to try hands-on experiments to learn more about Antarctica and the scientific research conducted there. After a year, the yeast container will be shipped back to the States where the yeast packages will be distributed nationally to schoolchildren. The students will conduct experiments to look for changes in the yeast's metabolic activity and volume of carbon dioxide production, under given conditions, after being exposed to months of extreme cold temperatures.

Location

Amundsen-Scott South Pole Station

Dates

October 1, 1999 to January 1, 2002

9. *Applicant:* Brent S. Stewart, Hubbs-Sea World Research Institute, 2595 Ingraham Street, San Diego, CA 92109

[Permit Application: 2000–011]

Activity for Which Permit is Requested

Taking and Import Into the United States

The applicant is a participant in a multidisciplinary research program to study the foraging ecology, reproduction, demography, disease and pathology, and population and immunogenetics of Antarctic seals in the circumpolar pack ice zone. The applicant proposes to capture, collect samples, and release up to 800 Crabeater seals, 400 Leopard and Weddell seals, and 75 Ross, Antarctic Fur and Elephant seals. Physical exams will be performed to evaluate the musculoskeletal system, cardiovascular system, integument, eyes, ears, nares and oral cavity. Blood will be collected from the extradural vein or interdigital vein of phocids and from the caudal gluteal vein of otariids. Approximately 40–60 ml will be collected from each seal for evaluation of petroleum hydrocarbon and pollutant exposure, hematology, serum biochemistry, disease exposure, genetics, nutritional status, and reproductive endocinology. Ocular, nasal, vaginal, and rectal microbiological samples will be collected. Ectoparasites will be collected when encountered. Urine will be collected opportunistically. Skin scrapings and cultures will be made when lesions are observed and to provide normal control samples. Hair, skin and blubber samples will also be collected. All collections of samples will be coordinated directly with other components of the multidisciplinary research program to prevent duplicate takings and to maximize use of collected materials.

The applicant plans to import collected samples into the United States for further scientific study. In addition, the applicant wishes to export samples from the U.S. and share them with investigators collaborating in other countries.

Location

Circumpolar pack ice and sites ashore

Dates

September 1, 1999 to August 30, 2004

10. *Applicant:* Ron Naveen, Oceanities, Inc., P.O. Box 15259, Chevy Chase, MD 20825

[Permit Application: 2000–012]

Activity for Which Permit Is Requested

Taking; and Enter Antarctic Specially Protected Area

The applicant plans to continue data collection under the Antarctic Site Inventory Project. Various sites will be regularly surveyed and censused in the Antarctic Peninsula/South Shetland Islands region, with a concentration of visits expected at heavily visited tourist sites. The applicant wishes to enter Antarctic Specially Protected Area #128, Western Shore of Admiralty Bay, to coordinate the Site Inventory Project with the researchers working within the site.

Location

Antarctic Peninsula and South Shetland Island sites, and ASPA #128, Western Shore of Admiralty Bay, King George Island

Dates

September 1, 1999 to August 31, 2000

11. *Applicant:* Norbert Wu, Norbert Wu Productions, 1065 Sinex Avenue, Pacific Grove, CA 93950

[Permit Application: 2000–013]

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Area

The applicant is a participant in the U.S. Antarctic Program's Artists and Writers Program and is continuing work on ''A Photographic Survey of Antarctic Marine Species'' and producing a film entitled ''Under Antarctic Ice.'' The applicant proposes visit and camp at Cape Crozier during two different time periods to ensure filming success.

The applicant proposes to conduct general photography and filming of Adelie penguins, Emperor penguins, Leopard seals, Orcas, and Minke whales. Some of the work will involve underwater photography. Visit to the site will be selected to target Adelie penguin events (nesting, egg tending, and hatching), such as population peak in the rookery. The applicant plans to skirt the edges of the Adelie and Emperor rookeries and will not enter into the midst of the nesting penguins.

The applicant plans to camp near the East Colony outside the Specially Protected Area for easier access to the water and ease the encumbrance of hauling heavy photography and dive equipment.

Location

Antarctic Specially Protected Area #124, Cape Crozier, Ross Island

Dates

November 1, 1999 to February 28, 2000

12. *Applicant:* Gary miller, Biology Department, University of New Mexico, Albuquerque, NM 87131–0001

[Permit Application: 2000–014]

Activity for Which Permit Is Requested

Taking and Import into the United States

The applicant plans to continue his analysis of the phylogenetic relationships and population genetics of 2 major genera of penguins. He will collect blood and tissues samples from Magellanic (*S. magellanicus*), Adelie (*P. adeliae*), Chinstrap (*P. antarctica*), Gentoo (*P. papua*), Macaroni (*Eudyptes chrysalophus*), and Emperor (*Aptenodytes* forsteri) penguins throughout their distribution. The Macaroni and Emperor samples are to be used as out-groups to help elucidate the relationships of the other species. Using a combination of Cytochrome b and microsatellite markers, he will investigate their genetic variation on a variety of geographic scales.

The applicant will travel onboard tour ships as a lecturer and will repeatedly visit many sites during the next two Antarctic summer season. He plans to collect 1.0–1.5 ml of whole blood from live penguins and collect tissue samples from penguin carcasses. No more than 15 samples will be collected from any given site. Blood samples will be stored in a lysis buffer, and tissue samples will be homogenized into a buffer solution to stabilize the DNA. Samples will be returned to either the University of Western Australia or to the University of New Mexico for processing.

In addition, the applicant will work in collaboration with a research team from the University of Western Australia who will investigate the diseases of penguins and skuas around Australia's Davis Station. Blood samples and swabs from the throat and cloaca of each bird will be collected. Blood samples will be spun down to separate the plasma and then preserved for later laboratory work. The Australian research team will secure all necessary permits for this project.

Location

Antarctic Peninsula and associated islands, South Shetland Islands, South Orkney Islands, East Antarctica and the Ross Sea region

Dates

October 1, 1999 to April 1, 2001

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 99–21204 Filed 8–16–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

GPU Nuclear Inc., et al., (Three Mile Island Nuclear Station, Unit 1); Confirmatory Order Modifying License, Effective Immediately

I

GPU Nuclear Inc. (GPUN or the Licensee) is the holder of Facility Operating License No. DRP–50, which authorizes operation of Three Mile Island Nuclear Station, Unit 1 located in Dauphin County, Pennsylvania.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees using Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the time period 1992–1994, the NRC staff issued Generic Letter (GL) 92–08, ''Thermo-Lag 330–1 Fire Barriers,'' and subsequent requests for additional information that asked licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed corrective plans and schedules from all licensees. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates would be delayed between 6 months and 3 years. The NRC staff has met with licensees of plants that have scheduled completion beyond 1997 to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

At the meeting with GPUN, NRC staff reviewed the schedule of Thermo-Lag corrective actions described in the eight GPUN submittals to the NRC dated February 10, and December 5, 1994; July 7, 1995; August 16, November 5, and December 31, 1996; and August 19, and November 23, 1997, to complete implementation of Thermo-Lag 330–1 fire barriers corrective actions by December 31, 1999, except for those corrective actions that were the subject of a pending exemption request dated December 31, 1996, and supplemented by three letters dated July 31, September 8, and December 30, 1997. On the basis of the information submitted by GPUN and presented during the meeting, the NRC staff concluded that the GPUN schedule was reasonable and issued a Confirmatory Order Modifying License on May 22, 1998, with regard to that schedule.

Subsequently, the NRC staff denied portions of the Licensee's exemption request of December 31, 1996, and the Licensee has committed in its letter of June 2, 1999, to complete additional Thermo-Lag corrective actions in areas which were the subject of those parts of the exemption request that was denied by June 30, 2000. The staff has concluded that this schedule is reasonable. This conclusion is based on (1) The amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4)

integration with other significant but unrelated issues that GPUN is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of all Thermo-Lag corrective actions by GPUN must be completed by June 30, 2000. By letter dated June 21, 1999, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment with regard to issues which were the subject of the exemption request into a requirement by issuance of an order and requested consent from the Licensee. By letter dated July 1, 1999, the Licensee consented to issuance of a Confirmatory Order.

III

The Licensee's commitment as stated in its letter of July 1, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule delay and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its July 1, 1999, letter be confirmed by this Order. The Licensee has agreed to this action. On this basis, and on the basis of the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, *it is hereby ordered*, effective immediately, that:

GPUN Nuclear, Inc., et al. shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at Three Mile Island Nuclear Station, Unit 1, described in the GPU Nuclear, Inc., submittal to the NRC dated June 2, 1999, by June 30, 2000.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, US Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension. Any request for a hearing must be submitted to the Secretary, US Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555–0001. Copies of the hearing request must also be sent to the Director, Office of Nuclear Reactor Regulation, US Nuclear Regulatory Commission, Washington, DC 20555–0001, to the Assistant General Counsel Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region I, US Nuclear Regulatory Commission, 475 Allendale Road., King of Prussia, PA 19406–1415, and to the Licensee, Mr. James W. Langenbach, Vice President and Director—TMI–1, GPU Nuclear, Inc., P.O. Box 480, Middletown, PA 17057. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and must address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further Order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this 11th day of August 1999.

For the Nuclear Regulatory Commission.

William F. Kane,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21307 Filed 8–16–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

Oyster Creek Nuclear Generating Station; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to GPU Nuclear, Inc. and Jersey Central Power & Light Company (the licensee) for operation of the Oyster Creek Nuclear Generating Station (OCNGS) located in Ocean County, New Jersey.

The proposed amendment would modify the OCNGS Technical Specifications to reflect installation of additional spent fuel pool storage racks. The additional new racks will provide 390 additional spent fuel assembly storage locations.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The following previously analyzed accident scenarios have been considered as part of the analyses required to support the installation of the high density spent fuel storage racks:

(a) Spent Fuel Assembly Drop—The criticality acceptance criteria, K_{eff} [less than or equal to] 0.95, is maintained for postulated abnormal occurrences such as a fuel assembly misloading or assembly drop. The radiological consequences of a fuel handling

accident in the spent fuel pool remain well within the guidelines of 10 CFR 100 and Standard Review Plan 15.7.4.

(b) Loss of Spent Fuel Pool Cooling System Flow—The spent fuel pool cooling system will continue to provide acceptable cooling of the stored assemblies. Approximately 5 hours is available before reaching the Technical Specification limit of 125 °F and approximately 45 hours is available before reaching the analyzed peak bulk pool temperature. Therefore, sufficient time is available to respond to the spent fuel pool water temperature control room alarm (120 °F) and to provide an alternate means of cooling in the event of a failure in the cooling system. Therefore, the proposed change has no affect on this accident scenario.

(c) Seismic Event—The new racks are designed and fabricated to remain functional during and after a Safe Shutdown Earthquake under all loading conditions. Analysis has demonstrated that no rack-to-wall impacts occur. Analyzed potential rack-to-rack impacts demonstrates the stored fuel configuration remains unaffected. Spent fuel pool structural analysis demonstrates that for the bonding factored load combinations, including the weight of a shipping cask (100 tons), structural integrity is maintained when the pool is assumed to be fully loaded with 3,035 spent fuel assemblies. Therefore, the proposed change has no affect on this accident scenario.

(d) Spent Fuel Cask Drop—Structural analysis of the spent fuel pool demonstrates that the pool structure remains adequate for the loadings associated with normal operation and the condition resulting from the postulated cask drop accident.

Accordingly, the proposed modification does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. Administrative controls during rack installation would preclude the movement of a new rack directly over any fuel. The new racks will be lifted using the 100-ton overhead crane which has a sufficient safety factor such that potential single failure mechanisms need not be considered. The lifting device designed for handling and installation of the new racks is in compliance with NUREG–0612. A postulated rack drop analysis demonstrates that the pool structure would not sustain significant damage from the postulated rack drop. The analysis shows that the rack pedestal would pierce the pool liner with localized concrete cracking. Any leakage resulting from such localized damage would be detectable and capability is provided to make up the loss of inventory to the pool. No unproven technology is involved either in the installation process or in the analytical techniques utilized to evaluate the planned fuel storage expansion. The basic technology for fuel pool expansion has been developed and demonstrated in over 80 applications for fuel pool capacity increases previously approved by NRC. The proposed modification has been evaluated in accordance with the guidance of NRC Position Paper, ''OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications,'' April 14, 1978, and Addendum dated January 18, 1979. Therefore, this change has no affect on the possibility of creating a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. Analysis has demonstrated that the established criticality acceptance criteria, K_{eff} [less than or equal to] 0.95 including uncertainties, is maintained with the racks fully loaded with fuel of the highest anticipated reactivity. Thermal-hydraulic analyses demonstrate that the pool bulk temperatures are maintained below 125 °F for the normal refueling offload and the full-core offload discharge scenarios using the augmented fuel pool heat exchanger, and that the maximum local water temperature along the hottest fuel assembly is below the nucleate boiling condition value. The maximum bulk pool temperatures for each of the analyzed scenarios confirms that adequate time is available to provide an alternative means of cooling in the event of a failure in the cooling system. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural analyses have demonstrated that the proposed change maintains spent fuel pool structural integrity and margins of safety. The new racks are designed and fabricated to remain functional during and after a Safe Shutdown Earthquake. Therefore, this change has no affect on the margins of safety related to nuclear criticality, thermal and structural integrity, and material compatibility.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received maybe examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW. , Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 16, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition

should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a 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 the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to ''any matter which the Commission determines to be in controversy among the parties.''

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, ''Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors'' (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated June 18, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Dated at Rockville, Maryland, this 11th day of August 1999.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Sr. Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21308 Filed 8–16–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee meeting on Planning and Procedures scheduled to start at 1:00 p.m. on *Tuesday, August 31, 1999, has been changed to start at 9:00 a.m.* Notice of this meeting was published in the **Federal Register** on Tuesday, August 10, 1999 (64 FR 43410). All other items pertaining to this meeting remain the same as previously published.

For further information contact:, Dr. John T. Larkins, cognizant ACRS staff person (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: August 11, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–21305 Filed 8–16–99; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Postage Evidencing Product Submission Procedures

AGENCY: Postal Service.

ACTION: Proposed Procedure.

SUMMARY: The **Federal Register**, dated September 2, 1998, provided proposed product submission procedures for all postage evidencing products, including those in the Information Based Indicia Program (IBIP). In response to the solicitation of public comments, only one submission was received. The comments in this submission were considered in making the changes incorporated in the current version. The current proposed procedures revise, clarify, and expand the earlier proposed procedures to include a new section on approval of product changes and a new section addressing intellectual property issues. The proposed procedures now indicate where steps in the product submission process can be concurrent rather than sequential and discuss the Postal Service response. Providers are asked to update documentation to reflect the ''as approved'' product prior to final approval. The current proposed procedures address all postage evidencing products, including, but not limited to, traditional meter products and IBI products. However, changes clarify which requirements apply only to IBIP products and not to traditional meter products. A requirement was added for a document describing how the Address Matching System (AMS) CD-ROM will be integrated in an IBIP Open System product. A requirement was added to the comprehensive test plan to include a test of the physical security of the Provider's site and firewall where applicable, and of the processes for administrative access and configuration control. Requirements were also added with respect to the responsibilities of the laboratories testing products with cryptographic modules.

DATES: Comments must be received on or before October 18, 1999.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Metering Technology Management, Room 8430, 475 L'Enfant Plaza SW, Washington DC 20260–2444. Copies of all written comments will be available at the above address for inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Stankosky, (202) 268–5311.

SUPPLEMENTARY INFORMATION: With the expansion of postage application methods and technologies, it is essential that product submission procedures for all postage evidencing products be clearly stated and defined. The Postal Service evaluation process can be effective and efficient if these procedures are followed explicitly by all suppliers. In this way, secure and convenient technology will be made available to the mailing public with minimal delay and with the complete assurance that all Postal Service technical, quality, and security requirements have been met. These procedures apply to all proposed postage evidencing products and systems, whether the Provider is new or is currently authorized by the Postal Service.

39, Code of Federal Regulations (CFR) Section 501.9, Security Testing, currently states, ''the Postal Service reserves the right to require or conduct additional examination and testing at any time, without cause, of any meter submitted to the Postal Service for approval or approved by the Postal Service for manufacture and distribution.'' For products meeting the performance criteria for postage evidencing under the Information Based Indicia Program (IBIP), including PC Postage products, the equivalent section is 39 CFR Section 502.10, Security Testing, published as a proposed rule in the **Federal Register**, September 2, 1998. When the Postal Service elects to retest a previously approved product, the Provider will be required to resubmit the product for evaluation according to part or all of the proposed procedures. Full or partial compliance with the procedures will be determined by the Postal Service prior to resubmission by the Provider.

The proposed submission procedures will be referenced in 39 CFR Parts 501 and 502 but will be published as a separate document as Metering Technology Management, Postage Evidencing Product Submission Procedures.

1. Product Submission Procedures

In submitting any postage evidencing product for Postal Service evaluation, the proposed Provider must provide detailed documentation and comply with requirements in the following areas:

- Letter of Intent
- Nondisclosure Agreements
- Concept of Operations (CONOPS)
- Software and Documentation Requirements
- Provider Infrastructure Plan
- USPS Address Matching System (AMS) CD–ROM Integration
- Product Submission/Testing
- Provider Infrastructure Testing
- Field Test (Beta) Approval (Limited Distribution)
- Provider/Product Approval (Full Distribution)

The Provider shall indicate the specific requirement(s) addressed by each document submitted in compliance with these Postage Evidencing Product Submission Procedures. The Postal Service requests that the documentation includes a matrix showing where each specific requirement is addressed. Documentation shall be in English and formatted for standard letter size (8.5″ × 11″) paper, except for engineering drawings, which shall be folded to the required size. Where appropriate, documentation shall be marked as ''Confidential.'' The steps in the Postage Evidencing Product Submission Procedures must be completed in sequential order, except as detailed below.

1.1. Letter of Intent

The Provider must submit a Letter of Intent to the Manager, Metering Technology Management, United States Postal Service, 475 L'Enfant Plaza SW, Room 8430, Washington DC 20260–2444.

A. The Letter of Intent must include:

(1) Date of correspondence.

(2) Name and address of all parties involved in the proposal. In addition to the Provider, the parties listed shall

include those responsible for assembly, distribution, management of the product/device,[1] hardware/firmware/software development, testing, and other organizations involved (or expected to be involved) with the product, including suppliers of significant product components.

(3) Name and phone number of official point of contact for each company identified.

(4) Provider's business qualifications (i.e., proof of financial viability, certifications and representations, proof of ability to be responsive and responsible).

(5) Product/device concept narrative.

(6) Provider infrastructure concept narrative.

(7) Narrative that identifies the internal resources knowledgeable of current Postal Service policies, procedures, performance criteria, and technical specifications to be used to develop security, audit, and control features of the proposed product.

(8) The target Postal Service market segment the proposed product is envisioned to serve.

B. The Provider must submit with the Letter of Intent a proposed product development plan of actions and milestones (POA&M) with a start date coinciding with the date of the Letter of Intent. Reasonable progress must be shown against these stated milestones.

C. The Manager, Metering Technology Management, will acknowledge in writing the receipt of the Provider's Letter of Intent and will designate a Postal Service point-of-contact. Upon receipt of this acknowledgment, the Provider may continue with the sequential requirements of the product submission process.

1.2. Nondisclosure Agreements

These agreements are intended to ensure confidentiality and fairness in business. The Postal Service is not obligated to provide product submission status to any parties not identified in the Letter of Intent. After obtaining signed nondisclosure agreements, the Provider may continue with the sequential requirements of the product submission process.

1.3. Concept of Operations

A. The Provider must submit a Concept of Operations (CONOPS) that discusses at a moderate level of detail the features and usage conditions for the proposed product. The Provider should submit 10 serialized hard copies and one electronic copy on a PC-formatted 3.5″ floppy disk. Additionally, the Provider must also submit a detailed process model supporting each CONOPS section.

Note: The Postal Service will not be obligated to provide consulting guidance on any current Postal Service policy, procedure, performance criteria, or specification beyond publicly available publications.

B. At a minimum, the CONOPS should cover the following areas:

(1) System Overview
- (a) Concept overview/business model
- (b) Concept of production/maintenance administration
- (c) For Information Based Indicia (IBI) PC Postage products, the system design overview, including:
- (i) Postal Security Device (PSD) implementation (stand-alone, LAN, WAN, hybrid)
- (ii) Features
- (iii) Components, including the digital signature algorithm
- (d) Product lifecycle overview
- (e) Adherence to industry standards, such as Federal Information Processing Standard (FIPS) 140–1, as required by the Postal Service

(2) For proposed IBI PC Postage products, the system design details, including:
- (a) PSD features and functions
- (b) Host system features and functions
- (c) Other components required for normal use conditions

(3) Product Lifecycle
- (a) Manufacturer
- (b) Postal Service certification of product/device
- (c) Production
- (d) Distribution
- (e) Product/device licensing and registration
- (f) Initialization
- (g) Product authorization and installation
- (h) Postage Value Download (PVD) process
- (i) Product and support system audits
- (j) Inspections
- (k) Product withdrawal/replacement
- (i) Overall process
- (ii) Product failure/malfunction procedures
- (l) Scrapped product process

(4) Finance Overview
- (a) Customer account management
- (i) Payment methods
- (ii) Statement of account
- (iii) Refund
- (b) Individual product finance account management
- (i) PVD
- (ii) Refund
- (c) Daily account reconciliation
- (i) Provider reconciliation
- (ii) Postal Service detailed transaction reporting
- (d) Periodic summaries
- (i) Monthly reconciliation
- (ii) Other reporting, as required by the Postal Service

(5) Interfaces
- (a) Communications and message interfaces with Postal Service infrastructure, including but not limited to:
- (i) PVDs
- (ii) Refunds
- (iii) Inspections
- (iv) Product audits
- (v) Lost or stolen product procedures
- (b) Communications and message interfaces with applicable Postal Service financial functions, including but not limited to:
- (i) Postage settings, including those done remotely
- (ii) Daily account reconciliation
- (iii) Refunds
- (c) Communication and message interfaces with Customer Infrastructure, including but not limited to:
- (i) Cryptographic key management
- (ii) Product audits (device and host system)
- (iii) Inspections
- (d) Message error detection and handling

(6) Technical Support and Customer Service
- (a) User training and support
- (b) Software Configuration Management (CM) and update procedures
- (c) Hardware/firmware CM and update procedures

(7) Other
- (a) Change control procedures
- (b) Postal rate change procedures
- (c) Address Management System ZIP+4 CD–ROM updates, if applicable
- (d) Physical security
- (e) Personnel/site security

C. Supplementary requirements, CONOPS.

(1) The CONOPS must be accompanied by substantiated market analysis supporting the target Postal Service market segment the proposed product is envisioned to serve, as identified in the Letter of Intent.

(2) The CONOPS must include a list and a detailed explanation of any proposed deviations from Postal Service performance criteria or specifications. Any proposed deviation to audit and control functions required by current Postal Service policy, procedure, performance criteria, or specification must be accompanied by an independent assessment by a nationally recognized, independent, certified

[1] When speaking generically about processes, etc., the term ''product'' is used. However, the term ''product'' includes ''product/device.''

public accounting firm attesting to the proposed auditing method. The report of this information is to be signed by an officer of the accounting firm.

D. Postal Service response.

(1) The Postal Service will respond in a timely manner.

(2) For each submission, the Postal Service will appoint a Product Review Control Officer. All communications between the Provider and the Postal Service are to be coordinated through the Product Review Control Officer.

(3) The Postal Service will acknowledge, in writing, receipt of the CONOPS and perform an initial review. The Postal Service will provide the Provider with a written summary of the CONOPS review. In the written review, the Postal Service will provide authorization to continue with the product submission process, or a listing of CONOPS requirements that are not met.

(4) If, in the sole opinion of the Postal Service, it is determined that significant CONOPS deficiencies do exist, the Postal Service, at the discretion of the Manager, Metering Technology Management, may return the CONOPS to the Provider without further review. It will then be incumbent on the Provider to resubmit a corrected CONOPS.

(5) The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.4. Software and Documentation Requirements

A. The Provider must submit to the Postal Service five copies of executable code and one copy of full and source code for all software included in the product.

B. The Provider must submit a detailed design document of the product. For IBI products, this shall include the proposed IBIP indicia design, which must be approved by the Manager, Metering Technology Management.

C. Additionally, depending on the product, the Postal Service requires design documentation that includes, but is not limited to, the following:

(1) Operations manuals for product usage
(2) Interface description documents for all proposed communications interfaces
(3) Maintenance manuals
(4) Schematics
(5) Product initialization procedures
(6) Finite state machine models/ diagrams
(7) Block diagrams
(8) Security features descriptions
(9) Cryptographic operations descriptions

Detailed references for much of this documentation are listed in FIPS 140–1, Appendix A. The Postal Service will determine the number of copies needed of the aforementioned documentation based on the CONOPS review. The Postal Service will notify the Provider of the required number of copies. The required number of copies are to be uniquely numbered for control purposes.

D. The Provider must submit a comprehensive test plan that will validate that the product meets all Postal Service requirements and, where appropriate, the requirements of FIPS 140–1. With respect to the Provider's internet server, the test plan shall indicate how the Provider will test to ensure the physical security of the Provider's server and administrative site and the firewall, and to ensure the security of the processes for remote administrative access and configuration control. With respect to the process for initializing customer accounts, the test plan shall describe the tests for ensuring secure distribution or transmission of software and cryptographic keys. The test plan must list the parameters to be tested, test equipment, procedures, test sample sizes, and test data formats. Also, the plan must include detailed descriptions, specifications, design drawings, schematic diagrams, and explanations of the purposes for all special test equipment and nonstandard or noncommercial instrumentation. Finally, this test plan must include a proposed schedule of major test milestones.

E. The Provider must submit a benchmark assessment plan. Postal Service Engineering will provide reference standards, performance criteria, specifications, etc., to be used as a basis for the Provider to produce this plan.

F. Postal Service Response:

(1) The Postal Service will provide its response in a timely manner.

(2) The Postal Service will acknowledge, in writing, receipt of the Provider's design and test plans and will perform an initial review. The Postal Service will furnish the Provider with a written summary of the design plan and test plan reviews. In the written review, the Postal Service will provide authorization to continue with the product submission process, or will provide a listing of design plan requirements or test plan requirements that are not met, and perhaps other deficiencies.

(3) If, in the sole opinion of the Postal Service, it is determined that significant design plan or test plan deficiencies do exist, the Postal Service, at the discretion of the Manager, Metering Technology Management, may return the plans to the Provider without further review. It will then be incumbent on the Provider to resubmit revised plans that address the identified deficiencies.

(4) The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.5. Provider Infrastructure Plan

A. The Provider Infrastructure Plan may be submitted concurrently with the design and test plans described in paragraph 1.4, Software and Documentation Requirements. At this point in the product submission process, the Postal Service will provide additional performance criteria and specifications for the IBIP public key infrastructure, if required for the product/device, for use as a basis for the applicable elements of the Provider's Infrastructure Plan.

B. The Provider must submit a Provider Infrastructure Plan that describes how the processes and procedures described in the CONOPS will be met or enforced. This includes, but is not limited to, a detailed description of all Provider-related and Postal Service-related operations, computer systems, and interfaces with both customers and the Postal Service that the Provider shall use in manufacturing, producing, distribution, customer support, product/device lifecycle, inventory control, print readability quality assurance, and reporting.

C. Postal Service Response

(1) The Postal Service will respond in a timely manner.

(2) The Postal Service will acknowledge in writing the receipt of the Provider's Infrastructure Plan and will perform an initial review. The Postal Service will provide the Provider with a written summary of the Infrastructure Plan review. In the written review, the Postal Service will provide authorization to continue with the product submission process, or a listing of the Infrastructure Plan requirements that are not met, and perhaps other deficiencies.

(3) If, in the sole opinion of the Postal Service, it is determined that significant Provider Infrastructure Plan deficiencies do exist, the Postal Service, at the discretion of the Manager, Metering Technology Management, may return the Infrastructure Plan to the Provider without further review. It will then be incumbent on the Provider to resubmit

a revised Infrastructure Plan to address the identified deficiencies.

(4) The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.6. USPS Address Matching System (AMS) CD–ROM Integration

A. The USPS AMS CD–ROM is a required component of IBIP open systems. For such systems, the Provider shall initiate an agreement with the USPS National Customer Support Center (NCSC). This signed agreement shall describe responsibilities of the AMS CD–ROM supply chain processes, including roles of the Provider. The only functionality of the AMS CD–ROM available through an IBIP system shall be address matching and ZIP+4 coding of input addresses.

B. The Provider shall submit a detailed description of how the USPS AMS CD–ROM will be integrated in the product, including a description of the process by which an address is ZIP+4 coded, including all possible optional and required parameters. The Provider can submit this information concurrent with submission of the Software and Documentation Requirements and/or Provider Infrastructure Plan described above.

C. Any CONOPS or products proposed for which the Provider requests a variance to the AMS CD–ROM requirements must be approved by the Manager, Metering Technology Management, prior to proceeding with the next step in the submission process.

1.7. Product Submission/Testing

A. The product/device Provider must be prepared to submit up to five complete production systems of each product/device for which Postal Service evaluation is requested. The required number of submitted systems will be determined by the Postal Service. The Provider must provide any equipment required in order to use the submitted product/device in the manner contemplated by the CONOPS.

Thorough Provider testing of the product prior to submission of the product to the Postal Service will avoid unnecessary delays in the review and evaluation process. If, in the opinion of the Postal Service, it is determined that significant product deficiencies exist, the Postal Service, at the discretion of the Manager, Metering Technology Management, may return the product to the Provider without further review. The Provider would have the option to resubmit a corrected product.

B. If the product contains a cryptographic module, the Provider must submit the proposed product to a laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) for FIPS 140–1 certification, or equivalent, as authorized by the Postal Service. Upon completion of the FIPS 140–1 certification, or equivalent, the Postal Service requires the following to be forwarded directly from the accredited laboratory to the Manager, Metering Technology Management for review:

(1) A copy of all information given to the laboratory by the Provider, including a summary of all information transmitted orally.

(2) A copy of all instructions from the Provider with respect to what is or is not to be tested for.

(3) A copy of the letter of recommendation for the product as submitted by the laboratory to the National Institute of Standards and Technology (NIST) of the United States of America.

(4) Copies of all proprietary and nonproprietary reports and recommendations generated during the test process.

(5) A copy of the certificate, if any, issued by NIST for the product.

(6) Written full disclosure identifying any contribution of the NVLAP laboratory to the design, development, or ongoing maintenance of the product/device.

C. If the product is submitted to an accredited test laboratory to meet the requirements of paragraph B, above, the laboratory must meet all the requirements specified by NIST in the Implementation Guidance for FIPS PUB 140–1 and the Cryptographic Module Validation Program; NIST document 150–17, Cryptographic Module Testing; and other documents issued by NIST to govern the conduct of accredited laboratories.

D. All products submitted to an accredited laboratory for testing under paragraph B above shall be retained by the laboratory for three years from date of product approval by the Postal Service.

E. The Provider may submit the product to the Postal Service for test and evaluation prior to completion of any required FIPS 140–1 testing, provided a letter is submitted from the NVLAP laboratory to the Postal Service indicating:

(1) That the product is being tested under FIPS 140–1 for the required security levels, in accordance with the current, relevant performance criteria.

(2) That the product has a reasonable chance of meeting the FIPS 140–1/USPS security levels.

(3) The timeline for FIPS 140–1 test completion.

F. The Postal Service reserves the right to require or conduct additional examination and testing at any time, without cause, of any product submitted to the Postal Service for approval or approved by the Postal Service for manufacture and distribution.

G. Upon satisfactory completion of the Postal Service testing and NVLAP laboratory testing (where required), the Postal Service will provide authorization to continue the product submission process. The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.8. Product Infrastructure Testing

A. Prior to approval for distribution of any product/device, the Provider must achieve test and approval of all reporting requirements, including, but not limited to, Postal Service/customer licensing support, product status activity reporting, total product population inventory, irregularity reporting, lost and stolen reporting, financial transaction reporting, account reconciliation, digital certificate acquisition, product initialization, cryptographic key changes, rate table changes, print quality assurance, device authorization, device audit, product audit, and remote inspections.

B. Testing of these activities and functions includes computer-based testing of all interfaces with the Postal Service, including but not limited to the following:

(1) Product manufacture and lifecycle (including leased, unleased, new product/device stock, installation, withdrawal, replacement, key management, lost, stolen, and irregularity reporting)
(2) Product distribution and initialization (including product authorization, product initialization, customer authorization, and product maintenance)
(3) Licensing (including license application, license update, and license revocation)
(4) Finance (including cash management, individual product financial accounting, refund management, daily summary reports, daily transaction reporting, and monthly summary reports)
(5) Audits and inspections, including site audits

C. The Provider must complete a ''Product-Provider Infrastructure-Financial Institution-USPS Infrastructure'' (Alpha) test involving all entities in the proposed architecture. At

a minimum this includes the proposed product, Provider Infrastructure, financial institution and Postal Service Infrastructure systems and interfaces. Alpha testing is intended to demonstrate the proposed product utility, and its functionality and compatibility with other systems. Alpha testing may be conducted in a laboratory environment.

D. Provider Infrastructure Testing (Alpha) test note: The Postal Service reserves the right to require or conduct additional examination and testing at any time, without cause, of any Provider Infrastructure system supporting a postage evidencing product/device approved by the Postal Service for manufacture and distribution. Initial Provider Infrastructure testing and (Alpha) testing schedules will be supported at the convenience of the Postal Service.

E. Demonstrable evidence of successful completion for each test is required prior to proceeding.

F. The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.9. Field Test (Beta) Approval (Limited Distribution)

A. The Provider will submit a proposed Field (Beta) Test Plan identifying test parameters, product quantities, geographic location, test participants, test duration, test milestones, and product recall plan. The Beta Test Plan will be in accordance with the Beta Test Strategy in effect for the given product type. The Postal Service will supply the appropriate Beta Test Strategy to the Provider upon request. The purpose of the Beta test is to demonstrate the proposed product's utility, security, audit and control, functionality, and compatibility with other systems, including mail entry, acceptance and processing, in a real-world environment. The Beta test will employ available communications and will interface with current operational systems to conduct all product functions. The Manager, Metering Technology Management, will determine acceptance of Provider-proposed Beta Test Plans based on, but not limited to, assessed risk of the product, product impact on Postal Service operations, and requirements for Postal Service resources. Proposed candidates for Beta test participation must be approved by the Postal Service. Beta test approval consideration will be based in whole or in part on the location, mail volume, mail characteristics, and mail origination and destination patterns.

B. The Provider has a duty to report security weaknesses to the Postal Service to ensure that each product/device model and every product/device in service protects the Postal Service against loss of revenue at all times. Beta participants must agree to a nondisclosure confidentiality agreement when reporting product security, audit, and control issues, deficiencies, or failures to the Provider and the Postal Service. A grant of Field Test Approval (FTA) does not constitute an irrevocable determination that the Postal Service is satisfied with the revenue-protection capabilities of the product/device. After approval is granted to manufacture and distribute a product/device, no change affecting the basic features or safeguards of a product/device may be made except as authorized or ordered by the Postal Service in writing from the Manager, Metering Technology Management.

C. The Provider may continue with the product submission process upon receipt of authorization to proceed from the Postal Service.

1.10. Provider/Product Approval (Full Distribution)

A. Upon receipt of the final certificate of evaluation from the national laboratory, where required, and after obtaining positive results of internal testing of the product/device, successful completion of Provider infrastructure testing, Alpha testing, demonstration of limited distribution activities (Beta testing), and audits of Provider site security, the Postal Service will administratively review the submitted product, the Provider infrastructure, and the Provider/manufacturer qualification requirements for final approval of full distribution. In preparation for the administrative review, the Provider shall update any product submission documentation submitted in compliance with the requirements of the Postage Evidencing Product Submission Procedure that is no longer accurate with respect to the product in review.

Note: Copies of Draft 39 CFR Part 502 containing IBIP Provider/Manufacturer qualification requirements as published in the **Federal Register** on September 2, 1998, are available by contacting USPS, Metering Technology Management, 475 L'Enfant Plaza SW, Room 8430, Washington DC 20260–2444. Copies of CFR Part 501 pertaining to postage meters are available also at the above address.

B. The Postal Service may require, at any time, that models/versions of approved products, and the design and user manuals and specifications applicable to such product, and any revisions thereof, be deposited with the Postal Service.

2. Change Control Procedure

2.1. Overview

A. After approval is granted to manufacture and distribute a product/device, no change affecting the basic features or safeguards of a product/device may be made except as authorized or ordered by the Postal Service in writing from the Manager, Metering Technology Management. The submission of a change proposal and the subsequent test and acceptance of a product change are designed to ensure not only that the changed product meets all requirements and performance criteria but also that the stated changes made to a product do not introduce any unintended, unidentified, unexpected, or undesirable changes to the form, fit, function, or security of the product.

B. Once a postage evidencing product/device has received final approval from the Postal Service, the Provider is required to submit any change(s) to that product for Postal Service approval. Changes covered by this process include, but are not limited to, the following:

(1) Changes to the form, fit, function, or security of the product/device
(2) Changes resulting from new Postal Service regulations, such as an updated postal rate table
(3) Changes to the software or firmware
(4) Changes to the PSD, for products using such a device
(5) Changes to the physical configuration of the product
(6) Changes to product documentation or packaging
(7) Changes to product distribution methods
(8) Changes to third-party providers of significant product components

C. For an IBI product, the changed product shall be in compliance with the IBI performance criteria and all other Postal Service regulations in effect at the time the change is implemented. All changes to previously approved products must be approved by the Postal Service before implementation. The Postal Service must also approve the timetable and procedures for implementing changes.

D. Providers are encouraged to consolidate multiple changes in a single change proposal to enable the Postal Service to expedite their review of the changes.

E. The Provider shall fully document all changes, in accordance with the requirements described in the following sections.

2.2. Provider Responsibilities

A. The Provider shall be responsible for notifying the Postal Service of any

proposed changes made as described in Section 2.1. The Provider shall be responsible for having a Postal Service-approved process for configuration management of the versions of each approved product. The Provider's process shall ensure that no changes can be made without proper tracing of design changes, records of authorization, and notification to the Postal Service. The Provider is responsible for submitting a change proposal in accordance with the requirements of this procedure and for achieving Postal Service approval before implementing any change.

B. Detailed Provider Actions:

(1) Letter of Intent to Change. The first step in the submission of a change proposal is to submit a Letter of Intent to Change, similar to the Letter of Intent described under Product Submission Procedures, above. The Letter of Intent to Change shall be submitted to the Manager, Metering Technology Management, United States Postal Service, 475 L'Enfant Plaza SW, Room 8430, Washington DC 20260–2444. The letter must include:

(a) Date of correspondence.

(b) Name and address of all parties involved in the change proposal, including those responsible for assembly, distribution, management of the product/device, hardware/firmware/software development or testing, and other organizations involved (or expected to be involved) with the changed product.

(c) Name and phone number of official point of contact for each party identified above.

(d) Change concept narrative. A description of the proposed change, identifying any changes to the form, fit, function, or security of the product.

(e) Discussion of the reasons for the change.

(f) Discussion of the implications of the change for product security, product identification, and Provider procedures such as distribution, operations, or financial transactions, as well as any cost impact and impact on product customers. The document shall also discuss the impact of the change on Postal procedures such as mail entry, mail acceptance, and mail processing, as well as the impact on the interfaces between the Provider and the Postal Service and/or customers.

(g) An outline of the actions the Provider will take in support of the change proposal, including a listing of the documentation the Provider will submit in support of the change, and the testing that will be performed to ensure the changes meet Postal Service requirements.

(h) The timetable for submission, test, acceptance, and implementation of the proposed change.

(i) The procedure for implementation of the proposed change.

(2) Additional documentation. Once the Letter of Intent to Change is submitted, the Provider shall review the following documents and submit any changes needed to ensure they are still current. Additional documentation may be required at the discretion of the Postal Service.

(a) Nondisclosure Agreements
(b) Concept of Operations
(c) Software and Documentation
(d) Provider Infrastructure Plan
(e) USPS Address Matching System (AMS) CD–ROM Integration, if required for the product.

(3) Testing. The Provider will test the product changes as described in the Postage Evidencing Product Submission Procedures to the extent required by the proposed change, in accordance with Postal Service direction. The Provider shall document the tests performed on product changes and shall submit this documentation along with verification of successful completion of the testing.

2.3. Postal Service Responsibilities

A. The Postal Service will execute its responsibilities in a timely manner.

B. The Postal Service will review the Letter of Intent to Change and accept or reject each component of the Provider's proposed approach for product change, documentation submittal and testing, and schedule for release.

C. The Postal Service will complete testing of the changes as required to ensure the changes meet Postal Service performance criteria and provide written comments to the Provider. Approval of the change will be granted in writing by the Postal Service by the Manager, Metering Technology Management.

D. The Postal Service reserves the right to determine if a proposed change is extensive enough to constitute a new product, rather than a change to a previously approved product. If such a determination is made, the Provider shall comply with all requirements of the Postage Evidencing Product Submission Procedures, including field testing.

3. Intellectual Property and License Considerations

A Provider is responsible for determining if and how it can make products that meet the Postal Service performance criteria or specifications applicable to the given product/device, in view of applicable technical, commercial, and legal constraints. Thus, it is the Provider-not the Postal Service-who is responsible for determining whether the production and use of a product/device requires the use of patented technology. If so, the Provider is responsible for resolving applicable intellectual property issues.

In accordance with this policy, the Postal Service generally will not evaluate or arbitrate conflicting patent claims by Providers, publicly assess the validity or scope of the patents that have been cited with respect to any performance criteria, or offer any opinion as to whether a license is required under such patents to meet performance criteria.

Each Provider should seek its own legal counsel with respect to these matters, and, if it determines that a patent license is required, should procure one. Companies that are unwilling or unable to acquire any necessary patent licenses to produce their proposed product should assess the wisdom of remaining in the market or the possibility of producing a different type of product.

To implement this policy, the Postal Service may enter into an agreement (''Agreement'') with the Provider stating that the Provider is solely responsible for determining, on an ongoing basis, whether its approved products are subject to any third-party patents. If so, the Provider must procure any required licenses to allow the Provider to make, use, sell, or (if applicable) import its products, and to allow the Provider's customers to use the products to create postage indicia, apply the indicia to mail, and deposit the mail with the Postal Service.

Providers would not be responsible under such an Agreement for procuring any license rights with respect to mailing activities conducted by the Postal Service. However, each Provider is required to indemnify the Postal Service for any claims against the Postal Service based on the Provider's failure to procure necessary patent or other rights with respect to its product offering.

4. Request for Comment

It is emphasized that the proposed procedures for initial product submission and changes to already approved products are being published for comments and are subject to final definition.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rule making by 39 U.S.C. 410 (a), the Postal

Service invites public comments on the proposed procedures.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–21242 Filed 8–16–99; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23942; 812–11704]

Anchor Resource and Commodity Trust, et al.; Notice of Application

August 11, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit Anchor Resource and Commodity Trust to acquire the assets and liabilities of Anchor Strategic Assets Trust (the ''Reorganization''). Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

APPLICANTS: Anchor Resource and Commodity Trust (''ARCT''), Anchor Strategic Assets Trust (''ASAT,'' ARCT and ASAT each a ''Trust,'' and together the ''Trusts'') an Anchor Investment Management Corporation (''Adviser'').

FILING DATES: The application was filed on June 25, 1999. Applicants have agreed to file an amendment to the application during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 1, 1999, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 579 Pleasant Street, Suite 4, Paxton, Massachusetts 01612.

FOR FURTHER INFORMATION CONTACT: Susan K. Pascocello, Senior Counsel, at (202) 942–0674, or Michael W. Mundt, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The Trusts, both Massachusetts business trusts, are registered under the Act as open-end management investment companies. The Adviser, a Massachusetts corporation, serves as the investment adviser to the Trusts and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser is under common control with Societe D'Etudes et de Gestion Financieres Meeschaert, S.A. (''Societe D'Etudes''), which owned in excess of 99% of the outstanding shares of ARCT and in excess of 60% of the outstanding shares of ASAT as of June 1999.

2. On June 21, 1999, the boards of trustees of each Trust (together, the ''Boards''), including all of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), unanimously approved an agreement and plan of reorganization (''Reorganization Agreement'') under which ARCT will acquire the assets and liabilities of ASAT in exchange for ARCT shares. The number of ARCT shares to be issued to ASAT will be determined on the basis of the relative net asset value per share and aggregate net assets of ARCT and ASAT as of the close of business on the closing date of the Reorganization (''Closing Date''), currently anticipated to occur in early September 1999. Portfolio securities of ARCT and ASAT will be valued in accordance with the valuation practices of each Trust, which are described in each Trust's current prospectus and statement of additional information. As soon as practicable after the Closing Date, ASAT will liquidate and distribute *pro rata* to its shareholders the ARCT shares. No sales charges will be imposed upon ASAT shareholders in connection with the Reorganization.

3. Applicants state that the investment objectives, restrictions and limitations of ARCT are similar to those of ASAT. Neither ASAT nor ARCT impose any sales charges or distribution related fees.

4. The Boards, including all of the Independent Trustees, determined that the Reorganization is in the best interests of each Trust, and that the interests of the existing shareholders of each Trust would not be diluted by the Reorganization. In assessing the Reorganization, the Boards considered various factors, including: (a) the compatibility of each Trust's investment objective, policies and restrictions, and shareholder services; (b) the terms and conditions of the Reorganization; (c) the expense ratios of each Trust; (d) the tax-free nature of the Reorganization; and (e) the estimated costs of the Reorganization. All Reorganization expenses will be borne by ARCT, as determined by its Board.

5. The Reorganization is subject to a number of conditions, including that: (a) the Reorganization is approved by each Board and the shareholders of ASAT; (b) the Trusts receive opinions of counsel that the Reorganization will be tax-free; and (c) applicants receive exemptive relief from the SEC as requested in the application. The Reoganization Agreement may be terminated by ASAT by resolution of its Board if the Board determines that circumstances have changed to make the Reorganization inadvisable. Applicants agree not to make any material changes to the Reorganization Agreement without prior SEC approval.

6. A registration statement on Form N–14 was filed with the SEC on June 23, 1999, and became effective on July 29, 1999. Definitive proxy solicitation materials have been filed with the SEC and were mailed to ASAT shareholders on July 29, 1999. A special meeting of ASAT shareholders is scheduled for August 20, 1999.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by or under common control with the other person; and (d) if the other person is an investment company, any investment adviser of that company.

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

3. Applicants believe that they may not rely on rule 17a–8 in connection with the Reorganization because the Trusts may be deemed to be affiliated by reasons other than having a common investment adviser. Applicants state that Societe D'Etudes, affiliate of the Adviser, owns more than 25% of the outstanding voting securities of each of the Trusts.

4. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants request an order under section 17(b) of the Act exempting them from section 17(a) to the extent necessary to complete the Reoganization. Applicants submit that the Reorganization satisfies the standards of section 17(b) of the Act. Applicants believe that the terms of Reorganization are fair and reasonable and do not involve overreaching. Applicants state that the Reorganization will be based on the Trusts' relative net asset values. In addition, applicants state that the Boards, including all of the Independent Trustees, have determined that the participation of each Trust in the Reorganization is in the best interests of each Trust and that such participation will not dilute the interests of shareholders of each Trust.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21274 Filed 8–16–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23941; 813–200]

John Hancock Mutual Life Insurance Company, et al.; Notice of Application

August 11, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') exempting the applicants from all provision of the Act, except section 9, section 17 (other than certain provisions of paragraphs (a), (d), (f), (g), and (j), section 30 (except for certain provisions of sections 30(a), (b), (e), and (h)), and sections 36 through 53, and the rules and regulations under the Act.

SUMMARY OF APPLICATION: Applicants request an order to exempt certain limited liability companies and other entities formed for the benefit of key employees John Hancock Mutual Life Insurance Company (''John Hancock'') and its affiliates from certain provisions of the Act. Each limited liability company or other entity will be an employees' securities company within the meaning of section 2(a)(13) of the Act.

APPLICANTS: John Hancock Employees' Securities Company I LLC (''Initial Company'') and John Hancock, on behalf of other limited liability companies or other investment vehicles that may be formed in the future (together, with the Initial Company, the ''Companies'').

FILING DATES: The application was filed on October 22, 1998, and amended on February 18, 1999, May 17, 1999 and August 10, 1999.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 7, 1999, and should be accomplished by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, c/o John A. Tisdale, John Hancock Mutual Life Insurance Company, 200 Clarendon Street, Boston, Massachusetts 02117.

FOR FURTHER INFORMATION CONTACT: Janet M. Grossnickle, Attorney-Adviser, at (202) 942–0526, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. John Hancock is a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts. John Hancock is also an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''). John Hancock and its affiliates as defined in rule 12b-2 of the Securities Exchange Act of 1934 (the ''Exchange Act'') are referred to in this notice collectively as the ''John Hancock Group'' and individually as a ''Jon Hancock Group entity.''

2. The Initial Company is a limited liability company organized under the laws of the State of Delaware. John Hancock formed the Initial Company to provide certain investment opportunities to certain key employees of the John Hancock Group. John Hancock is the sole Managing Member (as defined below) of the Initial Company.

3. The John Hancock Group may organize additional Companies in the future (the ''Subsequent Companies''). Each Company will be either a limited liability company, a business trust, or a limited partnership formed as an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act, and will operate as a closed-end, management investment company and may be diversified or non-diversified. The Companies will be established primarily for the benefit of highly compensated employees of the John Hancock Group as part of a program designed to create capital building opportunities that are competitive with those at other investment banking firms and to facilitate the recruitment of high caliber professionals. Participation in a Company will be voluntary.

4. John Hancock will act as the managing member of the Initial Company (together with any John Hancock Group entity that acts as a

Company's managing member or general partner, the ''Managing Member''). The Managing Member will manage and operate each of the Companies. The Managing Member will be authorized to delegate management responsibility to a John Hancock Group entity. A John Hancock Group entity will act as the investment adviser to a Company and will register as an investment adviser under the Advisers Act, if required under applicable law.

5. The Managing Member of a Company may charge the Company an annual management fee, a flat administrative charge or a carried interest, including a fee meeting the requirements of rule 205–3 under the Advisers Act. Both the management fee and the administrative fee, if any, will serve to reimburse the Managing Member for its costs of managing the Company, and will include expenses charged by a John Hancock Group entity for services actually rendered to the Company, but without any additional markup. Any management fee charged to a Company will not be duplicative of any management fee charged to a Client Fund (as defined below). A Managing Member may receive reimbursement of its out-of-pocket expenses, including the allocable portion of the salaries of its employees who work on the Companies' affairs.

6. Interests in the Companies (''Interests'') will be offered without registration in reliance on section 4(2) of the Securities Act of 1933 (the ''Securities Act''), or Regulation D under the Securities Act, and will be sold without a sales load only to ''Eligible Employees'' and other ''Qualified Participants,'' in each case as defined below, or to a John Hancock Group entity (collectively, ''Members''). Prior to offering Interests to an Eligible Employee or Qualified Family Member (as defined below), the Managing Member must reasonably believe that such individual will be a sophisticated investor capable of understanding and evaluating the risks of participating in the Company and is able to afford a complete loss of any investment. An Eligible Employee is an individual who is a current or former employee, officer, or director of John Hancock Group and, except for certain individuals (''ESC Investors'') who manage the day-to-day affairs of the Company in question and certain individuals (''JH Investors'') who manage the day-to-day affairs of the Client Funds or the Co-Investors (both as defined below), meets the standards of an accredited investor under rule 501(a)(6) of Regulation D under the Securities Act (an ''Accredited Investor'').

7. ESC Investors, who also will qualify as Eligible Employees, will have primary responsibility for operating the Company in which they invest. These responsibilities will include, among other things, monitoring investments for the Company, communicating with the Members in the Company, maintaining the books and records of the Company, addressing day-to-day tax issues involving the Company, and evaluating investments for the Company. Each ESC Investor will (a) be closely involved with the knowledgeable about the Company's affairs and investments, (b) be an officer or employee of John Hancock Group, and (c) have reportable income from all sources (including any profit sharing and bonuses) in the two calendar years immediately preceding the ESC Investor's participation in the Company in excess of $100,000 and have a reasonable expectation of reportable income of at least $100,000 in the years in which the ESC Investor invests in a Company.

8. JH Investors, who also will qualify as Eligible Employees, will have primary responsibility for operating (i) the investment partnerships or other investment entities managed by John Hancock (''Client Funds'') in which the Companies invest, provided that such Client Funds represent the sole investments of the Company in which the JH Investor invests or (ii) any other investor organized or managed by a John Hancock Group entity that generally will co-invest with such Client Funds on a pari passu basis (the ''Co-Investors''). These responsibilities will include, among other things, monitoring investments for the Client Funds or Co-Investors, communicating with the members or other representatives of the Client Funds or Co-Investors, maintaining the books and records of the Client Funds or Co-Investors, addressing day-to-day tax issues involving the Client Funds or Co-Investors, marketing units in the Client Funds or Co-Investors, and evaluating investments for the Client Funds or Co-Investors. Each JH Investor will (a) be closely involved with and knowledgeable about the affairs and investments of the Client Funds or Co-Investors, (b) be an officer or employee of John Hancock Group, (c) have a graduate degree in business, law or accounting, (d) have a minimum of five years of consulting, investment banking or similar business experience, and (e) have reportable income from all sources (including any profit sharing and bonuses) in the two calendar years immediately preceding the JH Investor's participation in the Company in excess of $100,000 and have a reasonable expectation of reportable income of at least $140,000 in the years in which the JH Investor invests in a Company. In addition, a JH Investor will not be permitted to invest in any year more than 10% of such person's income from all sources for the immediately preceding year in the aggregate in a Company and in all other Companies in which that JH Investor has previously invested.

9. A Qualified Participant is an Eligible Employee, Qualified Family Member (as defined below) or Qualified Investment Vehicle (as defined below). A ''Qualified Family Member'' is a spouse, parent, child, spouse of child, brother, sister, or grandchild of an Eligible Employee, and must be an Accredited Investor. A ''Qualified Investment Vehicle'' is a trust or other investment vehicle established for the benefit of an Eligible Employee or Qualified Family Members. A Qualified Investment Vehicle must be either (i) an accredited investor or (ii) an entity for which an Eligible Employee or Qualified Family Member is a settlor and principal investment decision-maker.

10. The terms of investment in a Company will be fully disclosed to each Qualified Participant in a private placement memorandum, which will be furnished at the time the Eligible Employee is invited to participate in the Company. Each Company will send audited financial statements to each Member as soon as practicable after the end of its fiscal year. In addition, each member will receive a report setting forth such tax information as shall be necessary for the preparation by the Member of his or her federal and state income tax returns.

11. Interests in a Company will be non-transferable except with the prior written consent of the Managing Member. No person will be admitted into a Company as a Member unless the person is a Qualified Participant or a John Hancock Group entity.

12. A Member's interest in a Company may be subject to repurchase if: (a) The Eligible Employee's relationship with John Hancock Group is terminated for cause; or (b) the Eligible Employee accepts employment of any nature with a firm that the Managing Member determines is competitive with any business of John Hancock Group. Upon repurchase, the Managing Member will pay to the Member the lesser of (a) the amount actually paid by the Member to acquire the Interest (less prior distributions, plus interest and dividends), and (b) the fair value of the

Interest as determined at the time of termination in good faith by the Managing Member.

13. Subject to the terms of the applicable limited liability company agreement (for other constitutive documents), a Company will be permitted to enter into transactions involving (a) a John Hancock Group entity, (b) a Client Fund or other portfolio company, (c) any Member or any person or entity affiliated with a Member, or (d) any partner or other investor in any entity in which a Company invests. These transactions may include a Company's purchase or sale of an investment or an interest from or to any John Hancock Group entity or Client Fund, acting as principal. Prior to entering into these transactions, the Managing Member must determine that the terms are fair to the Members. A Company will not acquire any security by a registered investment company if immediately after the acquisition, the Company will own more than 3% of the outstanding voting stock of the registered investment company.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the SEC will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the SEC will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' security company, in relevant part, as any investment company all of whose securities are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the SEC, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act exempting the Companies from all provisions of the Act, except section 9, section 17 (other than certain provisions of paragraphs (a), (d), (e), (f), (g), and (j)), sections 36 through 53 of the Act, and the rules and regulations under the Act.

3. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from knowingly selling or purchasing any security or other property to or from the company. Applicants request an exemption from section 17(a) to permit: (a) a member of the John Hancock Group or a Client Fund, acting as principal, to engage in any transaction directly or indirectly with any Company or any entity controlled by such Company; (b) a Company to invest in or engage in any transaction with any entity, acting as principal (i) in which such Company, any company controlled by such Company or any John Hancock Group entity or a Client Fund has invested or will invest or (ii) with which such Company, and company controlled by such Company or any John Hancock Group entity is or will otherwise become affiliated; and (c) a partner or other investor in any entity in which a Company invests, acting as a principal, to engage in transactions directly or indirectly with the related Company or any company controlled by such Company.

4. Applicants state than an exemption from section 17(a) is consistent with the protection of investors and the purposes of the Companies. Applicants state that the Members in each Company will be fully informed of the extent of the Company's dealings with the John Hancock Group. Applicants also state that, as professionals engaged in financial services businesses, Members will be able to evaluate the attendant risks. Applicants assert that the community of interest among the Members and John Hancock Group will serve to reduce any risk of abuse.

5. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person or principal underwriter of a registered investment company, or any affiliated person of an affiliated person or principal underwriter, acting as principal, from participating in any joint arrangement with the company unless authorized by the SEC. Applicants request relief to permit affiliated persons of each Company, or affiliated persons of any of these persons, to participate in any joint arrangement in which the Company or a company controlled by the Company is a participant.

6. Applicants submit that it is likely that suitable investments will be brought to the attention of a Company because of its affiliation with John Hancock Group, John Hancock Group's large capital resources, and its experience in structuring complex transactions. Applicants also submit that the types of investment opportunities considered by a Company often require each investor to make funds available in an amount that may be substantially greater than what a Company may make available on its own. Applicants contend that, as a result, the only way in which a Company may be able to participate in these opportunities may be to co-invest with other persons, including its affiliates. Applicants note that each Company will be organized for the benefit of Eligible Employees as an incentive for them to remain with John Hancock Group and for the generation and maintenance of goodwill. Applicants believe that, if co-investments with John Hancock Group are prohibited, the appeal of the Companies would be significantly diminished.

7. Applicants state that the possibility that permitting co-investments by John Hancock Group and a Company might lead to less advantageous treatment of the Company is minimal in light of the John Hancock Group's intention in establishing a Company so as to reward Eligible Employees and to attract and retain highly qualified personnel, and because senior officers and directors of John Hancock Group entities will be investing in the Company. In addition, applicants assert that strict compliance with section 17(d) would cause the Company to forego investment opportunities simply because a Member or other affiliated person of the Company (or any affiliate of the affiliated person) made a similar investment.

8. Section 17(f) designates the entities that may act as investment company custodians, and rule 17f–1 imposes certain requirements when the custodian is a member of a national securities exchange. Applicants request an exemption from section 17(f) and rule 17f–1 to permit the Managing Member to make certain approvals and ratifications, rather than a majority of the board of directors of a Company, as would be required by rule 17f–1 (a) and (d). Applicants also request an exemption from the rule 17f–1(b)(4) requirement that an independent accountant periodically verify the assets held by the custodian. Applicants

further request an exemption from rule 17f–1(c)'s requirement of transmitting to the SEC a copy of any contract executed pursuant to rule 17f–1. Applicants state that, because of the community of interest between John Hancock Group and the Companies and the independent audit of annual financial statements, compliance with these requirements would be unnecessarily burdensome and expensive. Applicants will comply with all other requirements of rule 17f–1.

9. Section 17(g) and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants request relief to permit the Managing Member's officers and directors, who may be deemed interested persons, to take actions and make determinations set forth in the rule. Applicants state that, because all the directors of the Managing Member will be affiliated persons, a Company could not comply with rule 17g–1 without the requested relief. Applicants also state that each Company will comply with all other requirements of rule 17g–1.

10. Section 17(j) and paragraph (a) of rule 17j–1 make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j–1, except for the anti-fraud provisions of paragraph (a), because they are unnecessarily burdensome as applied to the Companies.

11. Applicants request an exemption from the requirements in sections 30(a), 30(b) and 30(e), and the rules under those sections, that registered investment companies prepare and file with the SEC and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the SEC for periodic reports have little relevance to the Companies and would entail administrative and legal costs that outweigh any benefit to the Members.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(b) of the Act and rule 17d–1 under the Act to which a Company is a party (the ''Section 17 Transactions'') will be effected only if the Managing Member determines that: (a) the terms of the transaction, including the consideration to be paid or received, are fair and reasonable to the members and do not involve overreaching of the company or its Members on the part of any person concerned; and (b) the transaction is consistent with the interests of the members, the Company's organizational documents, and the Company's reports to its Members. In addition, the Managing Members will record and preserve a description of all Section 17 Transactions, the Managing Member's findings, the information or materials upon which their findings are based, and the basis for the findings. All such records will be maintained for the life of the Companies and at least two years thereafter, and will be subject to examination by the SEC and its staff.[1]

2. In connection with the Section 17 Transactions, the Managing Member will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, will respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for the Company, or any affiliated person of such person, promoter, or principal underwriter.

3. The Managing Member will not invest the funds of any Company in any investment in which an ''Affiliated Co-Investor'' (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which the Company and an Affiliated Co-Investor are participants, unless any such Affiliated Co-Investor, prior to disposing of all or part of its investment, (a) gives the Managing Member sufficient, but not less than one days, notice of its intent to dispose of its investment, and (b) refrains from disposing of its investment unless the Company has the opportunity to dispose of the Company's investment prior to or concurrently with, on the same terms as, and pro rata with the Affiliated Co-Investor. The term ''Affiliated Co-Investor'' with respect to any Company means any person who is an ''affiliated person'' (as defined in the Act) of the Company or an affiliated person of such person. The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by an Affiliated Co-Investor: (a) To its direct or indirect wholly-owned subsidiary, to any company (a ''Parent'') of which the Affiliated Co-Investor is a direct or indirect wholly-owned subsidiary, or to a direct or indirect wholly-owned subsidiary of its Parent; (b) to immediate family members of the Affiliated Co-Investor or a trust or other investment vehicle established for any such family member; or (c) when the investment is comprised of securities that are (i) listed on any exchange registered as a national securities exchange under section 6 of the Exchange Act; (ii) national market system securities pursuant to section 11A(a)(2) of the Exchange Act and rule 11Aa2–1 thereunder; or (iii) government securities as defined in section 2(a)(16) of the Act.

4. Each Company and the Managing Member will maintain and preserve, for the life of each such Company and at least two years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the audited financial statements that are to be provided to the members, and each annual report of the Company required to be sent to the Members, and agree that all such records will be subject to examination by the SEC and its staff.[2]

5. The Managing Member of each Company will send to each Member in the Company who had an interest in a Company, at any time during the fiscal year then ended, Company financial statement audited by the Company's independent accountants. At the end of each fiscal year, the Managing Member will make a valuation or have a valuation made of all of the assets of the company as of the fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the company. In addition, within 90 days after the end of each fiscal year of each Company or as soon as practicable thereafter, the Managing Member of the Company will send a report to each person who was a Member in the company at any time during the fiscal year then ended,

[1] Each Company will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

[2] Each Company will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

setting forth such tax information as shall be necessary for the preparation by the member of his or its federal and state income tax returns, and a report of the investment activities of the Company during that year.

6. Whenever a Company makes a purchase from or sale to an entity affiliated with the Company by reason of a 5% or more investment in such entity by a John Hancock Group director, officer, employee, or person on retainer, such individual will not participate in the Managing Member's determination of whether or not to effect the purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21273 Filed 8–16–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23945; 812–11652]

Oppenheimer Senior Floating Rate Fund, et al.; Notice of Application

August 12, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c–3 under the Act, and pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares, and impose asset-based distribution fees and early withdrawal charges.

APPLICANTS: Oppenheimer Senior Floating Rate Fund (''Fund''), OppenheimerFunds Distributor, Inc. (''Distributor''), and OppenheimerFunds, Inc. (''Adviser'').

FILING DATES: The application was filed on June 10, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 1, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609; Andrew J. Donohue, Esq., OppenheimerFunds, Inc., Two World Trade Center, New York, NY 10048.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Attorney Advisor, at (202) 942–0569, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Fund is a closed-end management investment company registered under the Act and organized as a Massachusetts business trust. The Adviser is registered under the Investment Advisers Act of 1940 and will serve as investment adviser to the Fund. The Distributor, a broker-dealer registered under the Securities Exchange Act of 1934, will distribute the Fund's shares. Applicants request that the order also apply to any other registered closed-end investment company for which the Adviser or the Distributor or any entity controlling, controlled by, or under common control with the Adviser or the Distributor acts as investment adviser or principal underwriter.[1]

2. The Fund's investment objective is to seek a high level of current income and preservation of capital. The Fund will invest primarily in senior secured floating rate loans made by commercial banks, investment banks and finance companies to commercial and industrial borrowers (''Loans''). Under normal circumstances, at least 80% of the Fund's total assets will be invested in Loans. Up to 20% of the Fund's total assets may be invested in U.S. dollar-denominated loans to certain foreign borrowers, junior debt obligations, short-term investment-grade or non-investment-grade debt obligations, secured and unsecured loans and equity securities, including stocks and warrants.

3. The Fund intends to continuously offer its shares to the public at net asset value. The Fund's shares will not be offered or traded in the secondary market and will not be listed on any exchange or quoted on any quotation medium. The Fund intends to operate as an ''interval fund'' pursuant to rule 23c–3 under the Act and make periodic repurchase offers to its shareholders.

4. The Fund seeks the flexibility to be structured as a multiple-class fund and currently intends to offer three classes of shares. The Fund will offer Class B Shares at net asset value without a front-end sales charge, but subject to an early withdrawal charge (''EWC'') on shares that are repurchased by the Fund within five years of the end of the month in which they were purchased. Class B shares will automatically convert to Class A shares 72 months after the end of the month in which they were purchased. The Fund may in the future offer Class A shares with a front-end sales charge. The Fund will offer Class C shares at net asset value without a front-end sales charge, but subject to an EWC on shares that are repurchased by the Fund within one year of the end of the month in which they were purchased. Class A, Class B, and Class C shares will be subject to an annual shareholder service fee of up to .25% of average daily net assets. Class A, Class B, and Class C shares will be subject to an annual distribution fee of up to .75% of average daily net assets. Applicants represent that the service and distribution fees will comply with the provisions of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. (''NASD'') as if the Fund were an open-end investment company. Applicants also represent that the Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale, as is required for open-end multi-class funds under Form N–1A.

5. All expenses incurred by the Fund will be allocated among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees (including transfer agency fees), and any other incremental expenses attributable to that class. Expenses of the Fund allocated to a particular class of shares

[1] Any registered closed-end investment company relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application.

will be borne on a pro rata basis by each outstanding share of that class. The Fund may create additional classes of shares in the future that may have different terms from Class A, Class B, and Class C shares. Applicants state that the Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end fund.

6. The Fund may waive the EWC for certain categories of shareholders or transactions to be established from time to time. With respect to any waiver of, scheduled variation, or elimination of the EWC, the Fund will comply with rule 22d–1 under the Act as if the Fund were an open-end investment company.

7. The Fund may offer its shareholders an exchange feature under which shareholders of the Fund may exchange their shares for shares of the same class of other funds in the Oppenheimer Funds group of investment companies. Exchanges of Fund shares will be allowed only during periodic repurchase intervals. Any exchange option will comply with rule 11a–3 under the Act as if the Fund were an open-end investment company subject to that rule. In complying with rule 11a–3, the Fund will treat the EWC as if it were a contingent deferred sales charge (''CDSC'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) of the Act from sections 18(c) and 18(i) of the Act to permit the Fund to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit the Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that the Fund will comply with the provisions of rule 18f–3 as if it were an open-end fund.

Early Withdrawal Charges

5. Section 23(c) of the Act provides, in relevant part, that no registered closed-end fund will purchase any securities of which it is the issuer except: (a) on a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the SEC may permit by rules and regulations or orders for the protection of investors.

6. Rule 23c–3 under the Act permits a registered closed-end fund (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase.

7. Section 23(c)(3) provides that the SEC may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. As noted above, section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 23(c) from rule 23c–3 to permit them to impose EWCs on shares submitted for repurchase that have been held for less than a specified period.

8. Applicants believe that the requested relief meets the standards of sections 6(c) and 23(c)(3). Rule 6c–10 under the Act permits open-end funds to impose CDSCs, subject to certain conditions. Applicants state that EWCs are functionally similar to CDSCs imposed by open-end funds under rule 6c–10 under the Act. Applicants state that EWCs may be necessary for the Distributor to recover distribution costs and that EWCs may discourage investors from moving their money quickly in and out of the Fund, a practice that applicants submit imposes costs on all shareholders. Applicants will comply with rule 6c–10 under the Act as if that rule applied to closed-end funds. The Fund also will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSCs. Applicants further state that the Fund will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistent with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

9. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the SEC issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the SEC considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies, and purposes of the Act, and to the extent to which the participation is on a basis different from or less advantageous than that of other participants.

10. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end funds to enter into distribution arrangements pursuant to rule 12b–1. Applicants also request an order under section 17(d) and rule 17d–1 to permit the Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c–10, 11a–3, 12b–1, 17d–3, 18f–3, and 22d–1 under the Act and NASD Conduct Rule 2830(d), as amended from time to time, as if those rules applied to closed-end investment companies.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21329 Filed 8–16–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–7183]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Tejon Ranch Co., Common Stock, Par Value $.50 Per Share)

August 9, 1999.

Tejon Ranch Co. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the security specified above (''Security'') from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Security has been listed for trading on the Amex and, pursuant to a Registration Statement on form 8–A filed with the Commission which became effective on July 23, 1999, on the New York Stock Exchange, Inc. (''NYSE''). Trading in the Security on the NYSE commenced at the opening of business on July 28, 1999.

The Company has complied with the rules of the Amex by filing with the Exchange a certified copy of the preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Security from listing on the Exchange and by setting forth in detail to the Amex the reasons for such proposed withdrawal, and the facts in support thereof. The Amex has in turn informed the Company that it has no objection to the withdrawal of the Company's Securities from listing on the Exchange.

In making the decision to withdraw its Securities from listing on the Amex, the Company considered that (a) listing on the NYSE would likely increase the number of institutional investors able to purchase the Security; (b) listing on the NYSE would give the Company and its Security higher visibility in the investment community, which the Company believes would result in increased trading of shares of its Security and greater facility in raising equity capital; and (c) withdrawing the Security from listing on the Amex would avoid the direct and indirect costs arising from maintaining dual listings, as well as the resultant division of the market for the Security.

The Company's application relates solely to the withdrawal of the Security from listing on the Amex and shall have no effect upon the continued listing of the Security on the NYSE. Moreover, by reason of Section 12(b) of the Act and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports pursuant to Section 13 of the Act with the Commission and the NYSE.

Any interested person may, on or before August 27, 1999, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–21275 Filed 8–16–99; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice No. 3114]

International Telecommunications Advisory Committee, Radiocommunication Sector (ITAC–R); Notice of Meeting

The Department of State announces a meeting of the U.S. International Telecommunication Advisory Committee Radiocommunication Sector (ITAC–R). The purpose of the Committee is to advise the Department on policy and positions with respect to the International Telecommunication Union and international radiocommunication matters.

The ITAC–R will meet from 1:30 to 3:30 on August 26, 1999 at the Department of State (east auditorium) to review ITU Registration activities with respect to the nine year period for bringing into use proposed satellite networks, including orbit positions around 60 degrees—65 degrees W.L. at C and Ku bands.

Members of the general public may attend this meeting and join in the discussions, subject to the instructions of the Chair. Admission of public members will be limited to seating available. Entrance to the Department of State is controlled; people intending to attend ITAC–R meeting and subsequent preparatory meetings for the CPM should send a fax to (202) 647–7407 no later than 24 hours before the meeting. The fax should include the name of the meeting (ITAC–R National Committee), date of the meeting, your name, social security number, date of birth, and organization. One of the following will be required for admission: U.S. driver's license, U.S. passport, or U.S. Government identification card. Enter from the ''C'' Street Main Lobby; in view of escorting requirement, non-government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Dated: August 11, 1999.

John T. Gilsenan,

Chairman, ITAC–R National Committee.

[FR Doc. 99–21340 Filed 8–16–99; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF STATE

[Public Notice No. 3113]

International Telecommunications Advisory Committee (ITAC) and Telecommunication Standardization Sector (ITAC–T) National Committee; Notice of Meetings

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee and International Telecommunication Advisory Committee—Telecommunication Standardization (ITAC–T). The purpose of the Committees is to advise the Department on policy and technical issues with respect to the International Telecommunication Union and international telecommunication standardization. Except where noted, meetings will be held at the Department of State, 2201 ''C'' Street, NW, Washington, DC.

The ITAC will meet from 9:30 to noon on September 8, 1999 (room to be announced) to continue preparations for a meeting of the ITU Working Group on ITU Reform.

The ITAC–T National Committee will meet from 9:30 to 4:00 on September 9, 1999 (rather than September 14), October 6, 1999, and November 18, 1999 (rooms to be announced) to prepare for the next ITU Telecommunication Sector Advisory Group (TSAG) and World Telecommunication Sector Assembly (WTSA) meetings.

Members of the general public may attend these meetings and join in the discussions, subject to the instructions of the Chair. Admission of public members will be limited to seating available. Entrance to the Department of State is controlled; people intending to attend ITAC–T National Committee meetings should send a fax to (202) 647–7407 not later than 24 hours before the meeting. This fax should display the name of the meeting (ITAC or ITAC–T National Committee and date of meeting), your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: US driver's license, US passport, US Government identification card. Enter from the ''C'' Street Main Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Dated: August 11, 1999.

Richard C. Beaird,

Director of Multilateral Affairs, Department of State.

[FR Doc. 99–21339 Filed 8–16–99; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF STATE

[Public Notice No. 3115]

Shipping Coordinating Committee: International Maritime Organization (IMO) Legal Committee; Notice of Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 a.m., on Monday, September 27, 1999, in Room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC The purpose of this meeting is to prepare for the Eightieth Session of the International Maritime Organization Legal Committee (LEG 80), and the Joint International Maritime Organization/ International Labor Organization Ad Hoc Expert Working Group, to held concurrently October 11–15, 1999 in London.

It is anticipated that LEG 80 will focus primarily, if not exclusively, on completing its work on a draft protocol to the Athens Convention, therefore the SHC will focus primarily on this topic at the September 27 meeting. The Joint IMO/ILO Ad Hoc Expert Working Group will be focusing on the subject of liability and compensation regarding claims for death, personal injury and abandonment of seafarers, therefore the SHC will also focus on this topic. Other topics that will be briefly addressed include: the draft IMO Guidelines on Shipowners' Responsibilities in Respect of Maritime Claims and a draft convention regarding bunker fuel spills. Time will also be allotted to address any other issues on the LEG work program on which there are questions or comments.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room. For further information, or to submit views in advance of the meeting, please contact Captain Malcolm J. Williams, Jr., or Lieutenant William G. Rospars, U.S. Coast Guard, Office of Maritime and International Law (G–LMI), 2100 Second Street, SW, Washington, DC 20593–0001; telephone (202) 267–1527; fax (202) 267–4496.

Dated: August 11, 1999.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 99–21341 Filed 8–16–99; 8:45 am]

BILLING CODE 4710–07–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending August 6, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–6055.
Date Filed: August 3, 1999.
Parties: Members of the International Air Transport Association.
Subject:
PTC COMP 0488 dated 30 July 1999
Composite Expedited Resolution 002p
(Amends Resolution 016a which does not apply in USA/US Territories)
(Extract of Minutes and Summary included)
Intended effective date: 1 September 1999.

Docket Number: OST–99–6058.
Date Filed: August 4, 1999.
Parties: Members of the International Air Transport Association.
Subject:
CSC/21/Meet/005/99 dated June 15, 1999 r1–10
Book of Finally Adopted Resos/ Recommended Practices
MINUTES—CSC/21/Meet/004/99 dated June 15, 1999
Intended effective date: 1 October 1999.

Docket Number: OST–99–6074.
Date Filed: August 5, 1999.
Parties: Members of the International Air Transport Association.
Subject:
PTC2 AFR 0066 dated 6 August 1999 (Adoption)
PTC2 AFR 0064 dated 9 July 1999 (Issuance)
Mail Vote 024—Resolution 010x
TC2 from Africa to Libya Resolutions
Intended effective date: 15 August 1999.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–21278 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending August 6, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–6048.
Date Filed: August 2, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 30, 1999.
Description: Application of Air Class, S.A. de C.V. pursuant to 49 U.S.C. Section 41301 *et seq.* and Subpart Q, applies for a foreign air carrier permit to

engage in charter foreign air transportation of persons, property and mail between any point or points in Mexico and any point or points in the United States, and in other charter trips in foreign air transportation.

Docket Number: OST–99–6076.

Date Filed: August 5, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: September 2, 1999.

Description: Application of Societe Air France pursuant to 49 U.S.C. Section 41302, Part 211 and Subpart Q, applies for amendment of its foreign air carrier permit to engage in foreign air transportation: (1) Of person, property and mail from points behind France via a point or points in France to a point or points in the United States, and beyond to two points in the Western Hemisphere, points in the French Department of America and points in the French Territories in the Pacific. (2) Of property and mail from points behind France via a point or points in France and intermediate points to a point or points in the United States, and beyond. (3) Of persons, property and mail from points behind the French Department of America via a point or points in the French Department of America and intermediate points to a point or points in the United States and beyond. (4) Of persons, property and mail from points behind French Polynesia via French Polynesia and intermediate points to a point in the United States and beyond. *Provided, that* all such services are operated in conformity with the provisions and annexes of the Air Transport Agreement between the United States and France dated June 18, 1998.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–21277 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–6064]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Towing Safety Advisory Committee (TSAC) and its working groups will meet to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. All meetings will be open to the public.

DATES: TSAC will meet on Thursday, September 16, 1999, from 8 a.m. to 12:30 p.m. The working groups will meet on Wednesday, September 15, 1999, from 8 a.m. to 3:30 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before September 7, 1999. Requests to have a copy of your material distributed to each member of the committee or subcommittee should reach the Coast Guard on or before September 3, 1999.

ADDRESSES: TSAC will meet in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The working groups will begin meeting in the same room and may move to separate spaces designated at that time. Send written material and requests to make oral presentations to Mr. Gerald P. Miante, Assistant Executive Director, Commandant (G–MSO–1), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Miante, telephone 202–267–0229, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of Meetings

Towing Safety Advisory Committee (TSAC) and working group meetings.

The agendas tentatively include the following:

(1) Introduction of the new Executive Director.

(2) Progress report of the Voyage Planning Work Group.

(3) Progress report of the Electronic Charting Work Group.

(4) Progress report from the Tug Assistance and Remote Anchor Work Group.

(5) Progress report of the Communications Work Group.

(6) Progress report of the Casualty Analysis Work Group.

(7) Status update on Cargo Securing Practices.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Assistant Executive Director no later than September 7, 1999. Written material for distribution at a meeting should reach the Coast Guard no later than September 3, 1999. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 25 copies to the Assistant Executive Director no later than August 27, 1999.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Assistant Executive Director as soon as possible.

Dated: August 9, 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–21271 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–6060]

Interference to Maritime Global Positioning System (GPS) Navigation by Mobile Satellite System (MSS) Phones and Other Electronic Devices

AGENCY: Coast Guard, DOT.

ACTION: Notice; request for comments.

SUMMARY: The Coast Guard requests comments regarding actual or potential interference to Global Positioning System (GPS)-based maritime navigation systems, caused by Mobile Satellite Service (MSS) telephones and other electronic devices on vessels. Telephones using satellites for transmission (not land-based cellular telephones) and other electronic devices may block or interfere with radio wave signals provided to GPS and Differential GPS (DGPS) receivers. This interference has the potential to adversely affect the safe navigation and operation of vessels that use GPS (including DGPS) for positioning, autopilot input, or Automatic Identification System (AIS) transponders that communicate ship position and navigation information to other AIS-equipped vessels or to shore-based Vessel Traffic Services.

DATES: Comments must reach the Docket Management Facility on or before November 15, 1999.

ADDRESSES: You may mail your comments to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401 on the Plaza Level of the Nassif Building between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. You may submit comments by fax to the docket management facility at 202–493–2251. You may also submit comments via the Internet at *http://dms.dot.gov*. To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the above-mentioned means.

The docket management facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For general questions on this notice, contact LT Terry Johns, Office of Aids to Navigation, Radio Aids Division (G–OPN–3), Coast Guard, telephone 202–267–6538. For technical questions relating to this notice, contact, Chief, Spectrum Management Division (G–SCT–2) at Commandant (G–SCT–2), Coast Guard at 202–267–2860 or via e-mail at CGComms@comdt.uscg.mil. For questions on GPS/DGPS call the Coast Guard's Navigation Information Center at (703) 313–5900, or visit the Internet site at http://www.navcen.uscg.mil.

For questions on viewing the docket, contact Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION: The Coast Guard encourages you to respond to this notice by submitting comments and related material. If you do so, please include your name and address, identify the docket number [USCG–1999–6060], and the specific section of this notice to which each comment applies, and give the reason for each comment. You may submit comments by mail, hand-delivery, fax or electronic means to the docket management facility at the address under **ADDRESSES.** If you submit them by mail or hand-delivery, please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

If you submit them by mail and want acknowledgment of receipt of your comments at the facility, enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

The Coast Guard is opening a 90-day comment period for response to this notice. To ensure widest dissemination of this notice, the Coast Guard will publish a summary article in our Marine Safety Newsletter, and post it on our Marine Safety Regulations web site at http://www.uscg.mil/hq/g-m/regs/current.html. In addition, this information will be provided through Broadcast Notice to Mariners and through the Navigation Information Center web site at http://www.navcen.uscg.mil.

Public Meeting

We do not plan to hold public meeting(s) concerning this notice. You may request a public meeting by writing to the Docket Management Facility at the address under **ADDRESSES.** The request should include the reasons why a meeting would be beneficial. If we determine that the opportunity for oral presentations will be helpful, we will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The transmitters in handheld telephones using satellite communications operate on frequencies adjacent to those for GPS. These frequencies are designated for specific use by the International Telecommunications Union and the Federal Communications Commission. Frequencies used for GPS purposes are also regulated, and are allocated the radio frequency band of 1559–1610 MHz. MSS is assigned the radio frequency bands on both sides of the GPS band from 1525–1559 MHz and 1610–1660.5 MHz. The GPS signals from the satellites are of extremely low power at the earth's surface. MSS handsets also operate with relatively low power levels. However, even with these low power levels, MSS handset transmissions are relatively high power when compared to the GPS satellite signals arriving on the surface. Even though MSS and GPS operate on different frequencies, some energy extends outside the allowed satellite telephone frequency band to the GPS frequency band. The Federal Communications Commission, in a Notice of Proposed Rulemaking, (IB Docket 99–67, Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite) released March 5, 1999, proposes to limit wideband emission of MSS mobile earth terminals in the bands used by GPS to −70 dBw (decibels above 1 watt per MegaHertz), and narrowband emissions to −80 dBw. Even with these limitations, interference between GPS and MSS is still possible. In addition, the impact of multiple satellite phones may be cumulative, resulting in increased effects on GPS receivers. For maritime use, a separation as much as 500 feet may be necessary in some cases to prevent a single MSS mobile earth terminal from causing interference to a shipboard GPS receiver.

The Coast Guard and the National Telecommunications and Information Administration (NTIA) are considering testing and documenting interference issues relating to MSS phones and GPS. In addition, the agencies are working with standards organizations to ensure maritime GPS receivers include means limiting their susceptibility to interference. However, additional alternatives such as developing regulations prohibiting or restricting the use of MSS on certain vessels may be necessary. For example, airline regulations currently prohibit the use of portable electronic devices, such as personal cellular phones, on commercial aircraft because of the potential for interference with on-board systems. This ban may eventually be applied to MSS phones. Airline regulations may serve as a model for similar restrictions needed to protect vessel navigation safety. Feedback provided by the maritime community will assist in developing solutions to this potential problem.

Comment Issues

The Coast Guard seeks information that may be useful when it considers the impact of actual or potential interference to GPS-based maritime navigation systems, caused by MSS or other electronic devices on vessels.

We need feedback from you on the following issues:

(1) The impact of potential regulations that prohibit or restrict the use of portable electronic devices, such as MSS, aboard vessels. How would any potential regulations affect you? Any suggestions for the content of these regulations?

(2) What, if any standards, should be established to limit susceptibility of GPS receivers to interference?

(3) We would like to hear about instances of GPS/MSS interference or other GPS interference cases. For comments reporting on specific instances of GPS (including Differential GPS) interference, please describe the incident as completely as possible. Useful information may include location of incident (latitude/longitude), type and description of vessel, description of equipment involved,

distances between GPS antenna and MSS/electronic device.

Dated: August 10, 1999.

Terry M. Cross,

Rear Admiral, U.S. Coast Guard, Acting Assistant Commandant for Operations.

[FR Doc. 99–21270 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Passenger Facility Charge Audit Guide for Air Carriers—Procedures for Examining Air Carrier Passenger Facility Charge Collection, Remittance, and Reporting Practices

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Federal Aviation Administration (FAA) is issuing interim guidance for conducting annual audits of air carrier Passenger Facility Charge (PFC) collection, remittance, and reporting practices. An air carrier collecting PFC's from at least 50,000 passengers annually is required to provide for an annual audit of its PFC accounts by an accredited independent public accountant. An auditor engaged to audit the air carrier's PFC accounts is required to report ''on the fairness and reasonableness of the carrier's procedures for collecting, holding, and dispersing PFC revenues.'' In addition, an auditor is required to report whether the quarterly reports of PFC accounts that the air carriers must provide to airports ''fairly represent the net transactions in the PFC account.''

The interim guidance is issued for a one-year review and comment period. It is intended that this interim guidance be used for air carrier PFC audits will final guidance is issued, which will occur after the evaluation and disposition of comments from the review period. Use of the interim and final guidance is voluntary, although the FAA will have greater confidence in audits conducted in accordance with the guide.

Interested parties may access the Passenger Facility Charge Audit Guide for Air Carriers through the Internet at http://www.faa.gov/arp/audit.htm. Alternatively, the guide may be obtained by contacting the individual listed below under the heading **FOR FURTHER INFORMATION CONTACT.**

DATES: Interim guidance effective August 17, 1999; Comments must be submitted must be submitted on or before August 16, 2000.

ADDRESSES: Comments should be mailed, in triplicate, to Federal Aviation Administration, Airports Financial Assistance Division, Attention: Passenger Facility Charge Branch (APP–530), 800 Independence Avenue, S.W., Room 619, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Joseph Hebert, Program Analyst, Passenger Facility Charge Branch, Airports Financial Assistance Division (APP–530), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, (202) 267–3845.

SUPPLEMENTARY INFORMATION: Title 49, USC, Section 40117, authorizes the Secretary of Transportation (further delegated to the FAA Administrator) to approve the local imposition of a PFC of $1, $2, or $3 per enplaned passenger for use on certain airport projects. On May 29, 1991, the FAA issued 14 CFR Part 158 outlining policies and procedures for the PFC program. Under Part 158, public agencies controlling commercial service airports can apply to the FAA for authority to impose a PFC for use on eligible projects. The proceeds from such PFC's are to be used to finance approval, eligible airport-related projects.

Once a public agency's application for the imposition of a PFC is approved by the FAA, it must notify air carriers and foreign air carriers required to collect PFC's at its airport(s) of the approval. Once notified, an air carrier is required to collect PFC's on tickets it issues showing an enplacnement at that airport (with certain exceptions). The air carrier is also required to notify its agents, including other issuing carriers, of the collection requirements. Air carriers or their agents collect PFC's from passengers on behalf of the public agency at the time of air travel ticket (or its equivalent) issuance. Air carriers are responsible for all PFC funds from the time of collection to remittance to the public agency and must provide quarterly reports to the public agency showing the total amounts of PFC revenue collected and refunded, as well as any amount withheld by the air carrier as collection compensation in accordance with section 158.53 of Part 158. For the purposes of an audit under section 158.69, collection is defined as the point when agents or other intermediaries remit PFC revenue to the carrier.

An air carrier collecting PFC's from at least 50,000 passengers annually is required to provide for an annual audit of its PFC accounts by an accredited independent public accountant. The audit shall be made available to the public agency, upon request. Although not specifically required by the regulation, the audit should also be submitted to the FAA, upon request. Auditors engaged to audit the air carrier's PFC accounts are required to report '' on the fairness and reasonableness of the carrier's procedures for collecting, holding, and dispersing PFC revenues.'' In addition, auditors are required to report whether the quarterly reports of PFC accounts that the air carriers must provide to airports ''fairly represent the net transactions in the PFC account'' (section 158.69(b)(1) of Part 158). The FAA expects these audits to be filed in a timely manner and should normally coincide with the carrier's fiscal year and annual corporate audit cycle.

To facilitate the conduct of audits that meet the requirements of the statute and regulation, the FAA has prepared the Passenger Facility Charge Audit Guide for Air Carriers. The procedures contained in the guide for testing and reporting on PFC's collected, withheld, refunded/exchanged, and remitted during the year are intended to assist the auditor in accomplishing the audit and internal control structure attestation. This guide is not intended to supplant the auditor's judgment of procedures to be performed. The auditor should use professional judgment to tailor the procedures so that the audit objectives are achieved. However, the auditor must address all applicable internal control requirements.

The interim guidance describes the collection, remittance, and reporting requirements of 14 Code of Federal Regulations (CFR) Part 158 (the implementing regulation for Title 49, United States Code (USC), Section 40117, that established PFC authority) in a requirements-objective-procedure format. This format is similar to that used in the FAA Airport Improvement program supplement to OMB Circular A–133 and should appear familiar to auditors.

The guide also relies on the testing of nonstatistical samples of lifted tickets or equivalent records as an agreed-upon procedure for providing an airport-level assessment of air carrier compliance with part 158 collection and remittance requirements. An air carrier utilizing these procedures should provide copies of the agreed-upon procedures to requesting public agencies. The carrier should also provide a copy of the reports to the FAA, if requested.

The use of this guide by auditors on behalf of the air carriers will provide the FAA and airports collecting PFC's with

an acceptable level of assurance that the air carrier has followed regulatory procedures. Although the guide is not intended to define the sole method of complying with the audit requirements of section 158.69 of Part 158, the FAA has determined that the use of the procedures in this audit guide by the auditors for an air carrier will provide sufficient assurance that the air carrier has met the requirements of Part 158 such that the FAA would not normally require additional reports, undertake an audit of the carrier, or request Department of Transportation, Office of the Inspector General (DOT OIG), intervention on the FAA's behalf. The FAA would not normally initiate further monitoring efforts unless an airport or other source subsequently substantiates a significant violation of the regulation.

The FAA will not have the same level of confidence with an air carrier whose auditors have not used the procedures outlined in this guide. Accordingly, alleged collection and remittance discrepancies raised by airports through their monitoring of local PFC revenue against air carriers whose auditors have not used this guidance are more likely to trigger additional FAA monitoring activities, including requiring additional reports, the undertaking of an audit, or a request for DOT OIG intervention. This guidance shall not, however, foreclose other FAA options for enforcing correct collection and remittance procedures and responding to allegations of improper collection and remittance practices. The FAA expects air carriers to attain a reasonable level of accuracy with regard to PFC remittances.

Issued in Washington, DC on August 10, 1999.

Catherine M. Lang,

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 99–21276 Filed 8–16–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 6, 1999.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 16, 1999 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0061.

Form Number: Customs Form 1304.

Type of Review: Extension.

Title: Crew Effects Declaration.

Description: Customs Form 1304 is completed by the master of the arriving carrier to record and list the crew's effects that are accompanying them on the trip, which are defined as merchandise under U.S. statutes. It is also used by the master of the vessel to attest to the truthfulness of the merchandise being carried aboard the vessel as crew's effects.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 9,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 17,168 hours.

OMB Number: 1515–0069.

Form Number: Customs Forms 3461 and 3461 Alternate.

Type of Review: Extension.

Title: Immediate Delivery Application.

Description: Customs Form 3461 and 3461 Alternate are used by importers to provide Customs with the necessary information in order to examine and release imported cargo.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 6,100.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 949,500 hours.

OMB Number: 1515–0124.

Form Number: None.

Type of Review: Extension.

Title: Disclosure of Information on Vessel Manifest.

Description: This information is used to grant a domestic importer's, consignee's, and exporter's request for confidentially of its identity from public disclosure.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents: 578.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 289 hours.

OMB Number: 1515–0151.

Form Number: None.

Type of Review: Extension.

Title: Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement.

Description: Each Foreign Trade Zone Operator will be responsible for maintaining its inventory control in compliance with statute and regulations. The operator will furnish Customs an annual certification of their compliance.

Respondents: Business or other for-profit, Not-for-profit institutions

Estimated Number of Recordkeepers: 260.

Estimated Burden Hours Per Recordkeeper: 1 hr., 10 min.

Frequency of Response: Annually.

Estimated Total Recordkeeping Burden: 195 hours.

OMB Number: 1515–0175.

Form Number: None.

Type of Review: Extension.

Title: Documents Required Aboard Private Aircraft.

Description: The documents required by Customs regulations for private aircraft arriving from foreign countries pertain only to baggage declarations. Customs' also requires that the pilots present documents required by FAA to be on the plane.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 150,000.

Estimated Burden Hours Per Respondent: 1 minute.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,490 hours.

OMB Number: 1515–0178.

Form Number: None.

Type of Review: Extension.

Title: Automotive Products Trade Act of 1965.

Description: Under the Automotive Products Trade Act (APTA), Canadian articles may enter the United States so long as they are intended for use as original motor vehicle equipment in the United States. If diverted to other purposes, they are subject to duties. This information collection is issued to track these diverted articles and to collect the proper duties on them.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 240.

Estimated Burden Hours Per Respondent/Recordkeeper: 15 minutes.

Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 3,100 hours.

OMB Number: 1515–0212.
Form Number: None.
Type of Review: Extension.
Title: Prior Disclosure Regulations.
Description: This collection of information is required to implement a provision of the Customs Modernization of the North American Free Trade Implementation Act (Mod Act) concerning prior disclosure by a person of a violation of law committed by that person involving the entry or introduction or attempted entry or introduction of merchandise into the United States by fraud, gross negligence or negligence, pursuant to 19 U.S.C. 1592(c)(4), as amended.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 3,500.
Estimated Burden Hours Per Respondent: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 3,500 hours.
Clearance Officer: J. Edgar Nichols (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–21297 Filed 8–16–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 6, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 16, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0003.
Form Number: IRS Forms SS–4 and SS–4PR.
Type of Review: Extension.
Title: Application for Employer Identification Number (SS–4); and Solicitud de Número de Identificación Patronal (EIN) (SS–4PR).
Description: Taxpayers required to have an identification number for use on any return, statement, or other document must prepare and file Form SS–4PR (Puerto Rico only) to obtain a number. The information is used by the IRS and the SSA in tax administration and by the Bureau of the Census for business statistics.
Respondents: Business or other for-profit, Individuals and households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.
Estimated Number of Respondents/ Recordkeepers: 2,419,064.
Estimated Burden Hours Per Respondent/Recordkeeper:

	Form SS–4 (in minutes)	Form SS–4PR (in minutes)
Recordkeeping	7	7
Learning about the law or the form	22	25
Preparing the form	46	46
Copying, assembling, and sending the form to the IRS	20	20

Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 3,846,692 hours.

OMB Number: 1545–0091.
Form Number: IRS Form 1040X.
Type of Review: Extension.
Title: Amended U.S. Individual Income Tax Return.
Description: Form 1040X is used by individuals to amend an original tax return to claim a refund of income taxes, pay additional income taxes, or designate $3 to the Presidential Election Campaign Fund. The information is needed to help verify that the individual has correctly figured his or her income tax.
Respondents: Individuals or households, Business or other for-profit, Farms.
Estimated Number of Respondents/ Recordkeepers: 2,929,311.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	1 hr., 19 min.
Learning about the law or the form.	28 min.
Preparing the form	1 hr., 11 min.
Copying, assembling, and sending the form to the IRS.	35 min.

Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 10,369,761 hours.

OMB Number: 1545–0127.
Form Number: IRS Form 1120–H.
Type of Review: Extension.
Title: U.S. Income Tax Return for Homeowners Associations.
Description: Homeowners associations file Form 1120–H to report income, deductions, and credits. The form is also used to report the income tax liability of the homeowners association. The IRS uses Form 1120–H to determine if the income, deductions, and credits have been correctly computed. The form is also used for statistical purposes.
Respondents: Business or other for-profit, Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 112,311.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	11 hr., 29 min.
Learning about the law or the form.	5 hr., 20 min.
Preparing the form	13 hr., 12 min.
Copying, assembling, and sending the form to the IRS.	2 hr., 9 min.

Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 3,611,922 hours.

OMB Number: 1545–1467.
Form Number: IRS Forms 9779, 9779(SP), 9783, 9783(SP), 9787, 9787(SP), 9789, 9789(SP), and 12252.
Type of Review: Extension.
Title: Electronic Federal Tax Payment System (EFTPS).
Description: Enrollment is vital to the implementation of the Electronic Federal Tax Payment System (EFTPS). EFTPS is an electronic remittance processing system that the Service will use to accept electronically transmitted federal tax payments. This system is a necessary outgrowth of advanced information and communication technologies.
Respondents: Individuals or households, Business or other for-profit, State, Local or Tribal Government.
Estimated Number of Respondents: 4,471,000.
Estimated Burden Hours Per Respondent: 20 minutes.
Frequency of Response: On occasion, Quarterly.
Estimated Total Reporting Burden: 1,490,019 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 99–21298 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request, Reporting Requirements for Vessels, Vehicles, and Individuals

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Reporting Requirements for Vessels, Vehicles, and Individuals. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Reporting Requirements for Vessels, Vehicles, and Individuals.

OMB Number: 1515–0203.

Form Number: N/A.

Abstract: These regulations pertain to the arrival, entry, and departure reporting requirements applicable to vessels, vehicles, and individuals and informs the public regarding applicable penalty, seizure, and forfeiture provisions for violating these requirements.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions and individuals.

Estimated Number of Respondents: 200,000.

Estimated Time Per Respondent: 1 minutes.

Estimated Total Annual Burden Hours: 1,500.

Estimated Total Annualized Cost on the Public: $18,000.

Dated: August 11, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 99–21223 Filed 8–16–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Transfer of Cargo to a Container Station

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Transfer of Cargo to a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Transfer of Cargo to a Container Station.

OMB Number: 1515–0142.

Form Number: N/A.

Abstract: The container station operator may file an application for transfer of a container intact to a

container station which is mover from the place of unlading or from a bonded carrier after transportation in-bond before filing of the entry for the purpose of breaking bulk and redelivery.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 360.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1,872.

Estimated Total Annualized Cost on the Public: $18,720.

Dated: August 11, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 99–21224 Filed 8–16–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Textile and Textile Products

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Textile and Textile Products. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Textile and Textile Products.

OMB Number: 1515–0140.

Form Number: N/A.

Abstract: Information is needed for Customs to be able to identify the Country of Origin of Textiles. The requirement prevents circumvention of bilateral agreements and ensures the proper assessment of duties. The declaration will be executed by the foreign manufacturer, exporter, or U.S. importer to be filed with the entry.

Current Actions: There are no changes to the information collection.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 45,810.

Estimated Time Per Respondent: 7 minutes.

Estimated Total Annual Burden Hours: 133,582.

Estimated Total Annualized Cost on the Public: $51,469,402.00.

Dated: August 11, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 99–21225 Filed 8–16–99; 8:45 am].

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S.

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the

Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration of a Person Abroad Who Receives and is Returning Merchandise to the U.S.

OMB Number: 1515–0108.

Form Number: N/A.

Abstract: The declaration is used under conditions where articles are imported and then exported and then reimported free of duty due to the declaration, it is used insured Customs control over duty free merchandise.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals, business or other for-profit institutions.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 292.

Estimated Total Annualized Cost on the Public: $5,942.

Dated: August 11, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 99–21226 Filed 8–16–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Declaration of Owner of Merchandise Obtained (Other Than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry Is Made by an Agent

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Declaration of Owner of Merchandise Obtained (other than) in Pursuance of a Purchase or Agreement to Purchase and Declaration of Importer of Record When Entry is Made by an Agent.

OMB Number: 1515–0050.

Form Number: Customs Forms 3347 and 3347A.

Abstract: Customs Form 3347 and 3347A allows an agent to submit, subsequent to making the entry, the declaration of the importer of record which is required by statute. These forms also permits a nominal importer of record to file the declaration of the actual owner and to be relieved of statutory liability for the payment of increased duties.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 950.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 570.

Estimated Total Annualized Cost on the Public: $12,312.

Dated: August 11, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 99–21227 Filed 8–16–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–38–90]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–38–90 (TD 8382), Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or a Claim for Refund (§§ 1.6694–2(c) and 1.6694–3(e)).

DATES: Written comments should be received on or before October 18, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or Claim for Refund.

OMB Number: 1545–1231.

Regulation Project Number: IA–38–90 (Final).

Abstract: These regulations set forth rules under section 6694 of the Internal Revenue Code regarding the penalty for understatement of a taxpayer's liability on a Federal income tax return or claim for refund. In certain circumstances, the preparer may avoid the penalty by disclosing on a Form 8275 or by advising the taxpayer or another preparer that disclosure is necessary.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 30 min.

Estimated Total Annual Burden Hours: 50,000 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 10, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–21213 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–83–90]

Proposed Collection; Comment Request For Regulation Project.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–83–90 (TD 8383), Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews; Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer (§ 301.7216–2(o)).

DATES: Written comments should be received on or before October 18, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews; Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer.

OMB Number: 1545–1209.

Regulation Project Number: IA–83–90 (Final).

Abstract: These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews, and disclosures that are necessary because of the tax return preparer's death or incapacity.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250,000.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 250,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 10, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–21214 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–07–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8693.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8693, Low-Income Housing Credit Disposition Bond.

DATES: Written comments should be received on or before October 18, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit Disposition Bond.

OMB Number: 1545–1029.

Form Number: 8693.

Abstract: Section 42(j)(6) of the Internal Revenue Code states that when a taxpayer disposes of a building (or an interest therein) on which the low-income housing credit has been claimed, the taxpayer may post a bond in lieu of paying the recapture tax if the building continues to be operated as a qualified low-income building for the remainder of the compliance period. Form 8693 is used to post a bond under Code section 42(j)(6) to avoid recapture of the low-income housing credit.

Current Actions: There are no changes being made to Form 8693 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 1 hr., 7 min.

Estimated Total Annual Burden Hours: 1,120.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 4, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–21215 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–07–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8837

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8837, Notice of Adoption of Revenue Procedure Model Amendments.

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice of Adoption of Revenue Procedure Model Amendments.

OMB Number: 1545–1497.

Form Number: 8837.

Abstract: Form 8837 acts as a transmittal document and is used by sponsors of master or prototype plans, regional prototype plans, and volume submitter plans. Revenue procedures implementing law changes or other changes may be issued at any time requiring changes in plan documents. These changes or amendments can be submitted to the IRS using Form 8837.

Current Actions: There are no changes being made to Form 8837 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 2 hrs., 39 min.

Estimated Total Annual Burden Hours: 7,950.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 11, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–21342 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 941–M.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 941–M, Employer's Monthly Federal Tax Return.

DATES: Written comments should be received on or before October 18, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employer's Monthly Federal Tax Return.

OMB Number: 1545–0718.

Form Number: 941–M.

Abstract: Form 941–M is used by certain employers to report payroll taxes on a monthly rather than a quarterly basis. Employers who have failed to file Form 941 or who have failed to deposit taxes as required are notified by the District Director that they must file Form 941–M monthly.

Current Actions: There are no changes being made to Form 941–M at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 12,000.

Estimated Time Per Respondent: 13 hr., 52 min.

Estimated Total Annual Burden Hours: 166,320.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 11, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–21343 Filed 8–16–99; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register
Vol. 64, No. 158
Tuesday, August 17, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[USCG-1997-2799]

RIN 2115-AF49

User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents

Correction

In rule document 99–20037, beginning on page 42812, in the issue of Thursday, August 5, 1999, make the following corrections:

§ 10.109 [Corrected]

1. On page 42815, in § 10.109, the table is corrected to read as follows:

TABLE 10.109—FEES

If you apply for...	And you need...		
	Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
License:			
Original upper level	$115	$110	$45
Original lower level	115	95	45
Raise of grade	100	45	45
Modification or removal of limitation or scope	50	45	45
Endorsement	50	45	45
Renewal	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
Radio Officer License:			
Original	65	n/a	45
Endorsement	50	45	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
Certificate of Registry:			
Original (MMD holder)	105	n/a	45
Original (MMD applicant)	120	n/a	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Endorsement	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
STCW Certification:			
Original	No fee	No fee	No fee
Renewal	No fee	No fee	No fee

[1] Duplicate for document lost as result of marine casualty—No Fee.

§ 12.02-18 [Corrected]

2. On page 42816, in § 12.02-18, the table is corrected to read as follows:

TABLE 12.02–18—FEES

If you apply for...	And you need...		
	Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
Merchant Mariner Document:			
Original without endorsement	$110	n/a	$45

TABLE 12.02–18—FEES—Continued

If you apply for...	And you need...		
	Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
Original with endorsement	110	140	45
Endorsement for qualified rating	95	140	45
Upgrade or Raise in Grade	95	140	45
Renewal without endorsement for qualified rating	50	n/a	45
Renewal with endorsement for qualified rating	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	[1] 45
STCW Certification:			
Original	No fee	No fee	No fee
Renewal	No fee	No fee	No fee
Other Transactions:			
Duplicate Continuous Discharge Book	n/a	n/a	10
Duplicate record of sea service	n/a	n/a	10
Copy of certificate of discharge	n/a	n/a	10

[1] Duplicate for document lost as result of marine casualty—No Fee.

[FR Doc. C9–20037 Filed 8–16–99; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday
August 17, 1999

Part II

Department of Health and Human Services

Administration for Children and Families

Administration for Native Americans: Availability of Financial Assistance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93612–001]

Administration for Native Americans: Availability of Financial Assistance

AGENCY: Administration for Native Americans (ANA),ACF, DHHS.

ACTION: Announcement of availability of competitive financial assistance for projects in competitive areas administered by the Administration for Native Americans for American Indians, Native Hawaiians, Alaska Natives and Native American Pacific Islanders.

SUMMARY: The Administration for Native Americans (ANA) announces the anticipated availability of fiscal year 2000 funds in three competitive areas:

(1) Governance and social and economic development;

(2) Governance and social and economic development for Alaska Native entities; and

(3) Environmental regulatory enhancement.

Financial assistance provided by ANA in support of projects in these three areas is intended to promote the goal of self-sufficiency for Native Americans.

APPLICATION KIT: Application kits are approved by the Office of Management and Budget (OMB) under control number 0980–0204, which expires August 31, 1999. ANA has asked OMB for a six month extension to use the kit while a new version is developed, reviewed and approved. We anticipate that the new kit will be available in January 2000. The current application kit remains valid and contains the necessary forms and instructions to apply for a grant under this program announcement.

Application kits may be obtained from ANA training and technical assistance providers. ANA employs contractors to provide short-term training and technical assistance (T/TA) to eligible applicants. T/TA is available under these contracts for a wide range of needs, however, the contractors are not authorized to write applications. The T/TA is provided at no cost.

To obtain an application kit and/or, training and technical assistance, applicants are encouraged to contact the appropriate T/TA provider within the appropriate service area. If you do not know the identity of the contractor currently serving the region you are located in, you may identify the contractor by calling: Administration for Native Americans, Applicant Help Desk, 202–690–7776; or visit ANA's web site listing of current providers at: *www.acf.dhhs.gov/programs/ana/*.

The ANA providers serve six areas divided as follows:

Area 1, Eastern serves federally recognized Tribes in AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, KS, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI and WV.

Area 2, Central federally recognized Tribes in AZ, CO, IA, KA, ND, NE, NE, NM, MO, MT, OK, SD, UT, WY, NV, ID and TX.

Area 3, Western serves federally recognized Tribes in CA, OR and WA.

Area 4, Alaska serves all eligible applicants in AK.

Area 5, Pacific serves all eligible applicants in Hawaii (HI) and the Pacific Islands of AS (American Samoa), GU (Guam), MP (Northern Mariana Islands) and PW (Palau).

Area 6, National serves all eligible applicants on the mainland United States not served by providers for areas 1 through 5. This includes non-federally recognized Tribes, Urban Indians, off-reservation rural Indian communities, Native Americans served through non-federally recognized urban and consortia arrangements and Organizations serving Native Hawaiians and Pacific Island Natives on the Mainland.

Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page: *www.acf.dhhs.gov/programs/ana/*.

The printed **Federal Register** notice is the only official program announcement. Although all reasonable efforts are taken to assure that the files on the ANA World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

SUPPLEMENTARY INFORMATION:

Introduction and Purpose

The purpose of this program announcement is to announce the anticipated availability of fiscal year 2000 funds, authorized under the Native American Programs Act of 1974 (Act), as amended, to promote the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and Native American Pacific Islanders in three competitive areas. Funding authorization is provided under sections 803(a), and 803(d) of the Native American Programs Act of 1974, as amended (Public Law 93–644, 88 Stat. 2324, 42 U.S.C. 2991b).

The Indian Environmental Regulatory Enhancement Act of 1990 (Public Law 101–408) authorizes financial assistance for projects to address environmental regulatory concerns (Section 803(d) of the Native American Programs Act of 1974, as amended).

The Administration for Native Americans assists eligible applicants for the three competitive areas to undertake 12 to 36 month development projects that are part of long-range comprehensive plans to move toward governance, social, and/or economic self-sufficiency.

In order to streamline the application process for eligible applicants under three competitive areas, ANA is issuing a single program announcement for fiscal year 2000 funds. Information regarding ANA's mission, policy, goals, application requirements, review criteria and closing dates for all three competitive areas are included in this announcement.

The Administration for Native Americans promotes the goal of self-sufficiency in Native American communities primarily through Social and Economic Development Strategies (SEDS) projects. The Native American Programs Act also authorizes ANA to establish an additional program for environmental regulatory enhancement.

This program announcement is being issued in anticipation of the appropriation of funds for fiscal year 2000 and the availability of funds for the three competitive areas is contingent upon sufficient final appropriations. Proposed projects will be reviewed on a competitive basis against the specific evaluation criteria presented under each competitive area in this announcement.

ANA continues a variety of requirements directed towards enforcing its policy that an eligible grant recipient may only have one active ANA grant awarded from a competitive area at any time. Therefore, while eligible applicants may compete for a grant in each of the three competitive areas, an applicant may only submit one application per competitive area and no applicant may receive more than one grant in each competitive area, including any existing ANA grant. Also, an Alaska Native entity may not submit an application under both Competitive Areas 1 and 2 for the May closing date. Alaska Native entities may receive a grant under either competitive area 1 or 2, but not under both. *All applicants must clearly demonstrate a plan for an employee fringe benefit package which includes an employee retirement plan*

benefit, and the funding of travel for key personnel to attend post-award grant management and administration training sponsored by ANA.

Before receiving a grant, every successful applicant will be required to commit in writing to, and budget for an employee retirement fringe benefit that meets the standards found in the budget evaluation criteria within this announcement.

New for fiscal year 2000, to foster goals under the Executive Order on tribally controlled colleges and universities (TCUs), TCUs may now independently apply for an ANA grant without impacting eligibility of the Tribe to apply. Previously, only one application was accepted, either from the Tribe or the TCU. Now both the Tribe and TCU may compete for and receive ANA grants at the same time, in the same program(s).

This program announcement consists of three parts.

Part I. ANA Policy and Goals

Provides general information about ANA's policies and goals for the three competitive areas. This section contains information pertaining to all applicants.

Part II. ANA Competitive Areas

Describes the three competitive areas under which ANA is requesting applications:

- Area 1: Governance, Social and Economic Development (SEDS);
- Area 2: Governance, Social and Economic Development (SEDS) for Alaska Native entities;
- Area 3: Environmental Regulatory Enhancement.

Each competitive area includes the following sections which provide information to be used to develop an application:

A Purpose and Availability of Funds
B Background
C Proposed Projects To Be Funded
D Eligible Applicants
E Grantee Share of the Project
F Review Criteria
G Application Due Date(s)
H Contact Information

Part III. General Application Information and Guidance

Provides important information and guidance that applies to all three competitive areas and that must be taken into account in developing an application for any of the three areas.

A Definitions
B Activities That Cannot Be Funded
C Multi-Year Projects
D Intergovernmental Review of Federal Programs
E The Application Process
F The Review Process
G General Guidance to Applicants
H Paperwork Reduction Act of 1995
I Receipt of Applications

PART I—ANA Policy and Goals

The mission of the Administration for Native Americans (ANA) is to promote the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders.

The Administration for Native Americans believes that a Native American community is self-sufficient when it can generate and control the resources necessary to meet its social and economic goals, and the needs of its members.

The Administration for Native Americans also believes that the responsibility for achieving self-sufficiency resides with the governing bodies of Indian tribes, Alaska Native villages, and in the leadership of Native American groups. A community's progress toward self-sufficiency is based on its efforts to plan, organize, and direct resources in a comprehensive manner which is consistent with its established long-range goals.

The Administration for Native Americans' policy is based on three interrelated goals:

1. Governance: To assist tribal and Alaska Native village governments, Native American institutions, and local leadership to exercise local control and decision-making over their resources.

2. Economic Development: To foster the development of stable, diversified local economies and economic activities which will provide jobs and promote economic well-being.

3. Social Development: To support local access to, control of, and coordination of services and programs which safeguard the health, well-being and culture of people, provide support services and training so people can work, and which are essential to a thriving and self-sufficient community.

Applicants must comply with certain of the following administrative policies:

- Current grantees whose grant project period extends beyond September 30, 2000, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under the same program area. Current SEDS or Alaska-specific SEDS grantees with project periods beyond September 30, 2000, may not compete for additional SEDS or Alaska-specific SEDS grants. Current Indian Environmental Regulatory Enhancement grantees with project periods beyond September 30, 2000, may not compete for additional Indian Environmental Regulatory Enhancement grants.
- Applicants for any competitive area may propose 12 to 36 month projects.
- Applicants must describe a locally-determined strategy to carry out a proposed project with fundable objectives and activities.
- Local long-range planning must consider the maximum use of all available resources, how the resources will be directed to development opportunities, and present a strategy for overcoming the local issues that hinder movement toward self-sufficiency in the community.
- An application from a federally recognized Tribe, Alaska Native Village or Native American organization must be from the governing body of the Tribe or organization.
- ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger tribe, unless the application includes a Tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.
- If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.
- An applicant may submit a separate application under any of the competitive areas, as long as the applicant meets the eligibility requirements. However, for the May closing, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both.
- Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community.
- Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal

Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

- If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Alaska, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community, applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served.
- Organizations incorporating in American Samoa are cautioned that the Samoan government relies exclusively upon IRS determinations of non-profit status; therefore, articles of incorporation approved by the Samoan government do not establish non-profit status for these organizations for the purpose of eligibility for ANA funds.
- Grantees must provide at least 20 percent of the total approved cost of the project; i.e., the sum of the Federal share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions. Therefore, a project requesting $100,000 in Federal funds must include a match of at least $25,000 (20% of the total $125,000 project cost).

As per 45 CFR Part 74.2, In-Kind contributions are defined as ''the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.''

In addition it may include other Federal funding sources where legislation or regulations authorize using specific types of funds for match and provided the source relates to the ANA project; examples follow:

- Indian Child Welfare funds, through the Department of Interior;
- Indian Self-Determination and Education Assistance funds, through the Department of Interior and the Department of Health and Human Services; and
- Community Development Block Grant funds, through the Department of Housing and Urban Development.

An itemized budget detailing the applicant's non-Federal share, and its source(s), must be included in an application.

- If an applicant plans to charge or otherwise seek credit for indirect costs in its ANA application, a current copy of its Indirect Cost Agreement must be included in the application.
- A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b)(3) of the Native American Program Regulations.
- Applications originating from American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands are covered under Section 501(d) of Public Law 95–134, as amended (48 U.S.C. 1469a) under which HHS waives any requirement for matching funds under $200,000 (including in-kind contributions). Therefore, for the ANA grants under these announced programs, no match is required for grants to these insular areas.

Part II—ANA Competitive Areas

The three competitive areas under this Part describe ANA's funding authorities, priorities, special initiatives, special application requirements, and review criteria. The standard requirements necessary for each application, as well as standard ANA program guidance and technical guidance are described in Part III of this announcement.

ANA Competitive Area 1. Social and Economic Development Strategies (SEDS) Projects

A. Purpose and Availability of Funds

This competitive area promotes the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and Native American Pacific Islanders through locally developed social and economic development strategies (SEDS).

Approximately $14 million of financial assistance is anticipated to be available under this priority area for governance, social and economic development projects. ANA anticipates awarding approximately 120 competitive grants ranging from $30,000 to $1,000,000.

B. Background

ANA assists tribal and village governments, and Native American organizations, in their efforts to develop and implement community-based, long-term governance, social and economic development strategies (SEDS). These strategies must promote the goal of self-sufficiency in local communities.

The SEDS approach is based on ANA's program goals and incorporates two fundamental principles:

1. The local community and its leadership are responsible for determining goals, setting priorities, and planning and implementing programs aimed at achieving those goals. The local community is in the best position to apply its own cultural, political, and socio-economic values to its long-term strategies and programs.

2. Governance and social and economic development are interrelated. In order to move toward self-sufficiency, development in one area should be balanced with development in the others. Consequently, comprehensive development strategies should address all aspects of the governmental, economic, and social infrastructures needed to promote self-sufficient communities.

ANA's SEDS policy uses the following definitions:

- ''Governmental infrastructure'' includes the constitutional, legal, and administrative development requisite for independent governance.
- ''Economic infrastructure'' includes the physical, commercial, industrial and/or agricultural components necessary for a functioning local economy which supports the life-style embraced by the Native American community.
- ''Social infrastructure'' includes those components through which health, economic well-being and culture are maintained within the community and that support governance and economic goals.

These definitions should be kept in mind as a local social and economic development strategy is developed as part of a grant application.

A community's movement toward self-sufficiency could be jeopardized if a careful balance between governmental, economic and social development is not maintained. For example, expansion of social services, without providing opportunities for employment and economic development, could lead to dependency on social services.

Conversely, inadequate support services and training could seriously impede productivity and local economic development. Additionally, the necessary infrastructures must be developed or expanded at the community level to support social and economic development and growth. In

designing their social and economic development strategies, ANA encourages an applicant to use or leverage all available human, natural, financial, and physical resources.

ANA encourages the development and maintenance of comprehensive strategic plans which are an integral part of attaining and supporting the balance necessary for successful activities that lead to self-sufficiency.

C. Proposed Projects To Be Funded

This section provides descriptions of activities which are consistent with the SEDS philosophy. Proposed activities should be tailored to reflect the governance, social and economic development needs of the local community and should be consistent and supportive of the proposed project objectives. The types of projects which ANA may fund include, but are not limited to, the following:

Governance

- Improvements in the governmental, judicial and/or administrative infrastructures of tribal and village governments (such as strengthening or streamlining management procedures or the development of tribal court systems);
- Increasing the ability of tribes, villages, and Native American groups and organizations to plan, develop, and administer a comprehensive program to support community social and economic self-sufficiency (including strategic planning);
- Increasing awareness of and exercising the legal rights and benefits to which Native Americans are entitled, either by virtue of treaties, the Federal trust relationship, legislative authority, executive orders, administrative and court decisions, or as citizens of a particular state, territory, of the United States;
- Status clarification activities for Native groups seeking Federal or State tribal recognition, such as performing research or any other function necessary to submit a petition for Federal acknowledgment or in response to any obvious deficiencies cited by the Bureau of Acknowledgment and Research (BAR), Department of Interior, in a petition from a Native group seeking Federal recognition; and
- Development of and/or amendments to tribal constitutions, court procedures and functions, by-laws or codes, and council or executive branch duties and functions.

Economic Development

- Development of a community economic infrastructure that will result in businesses, jobs, and an economic support structure;
- Establishment or expansion of businesses and jobs in areas such as tourism, specialty agriculture, light and/or heavy manufacturing, technology, fabrication and construction companies, housing and fisheries or aqua-culture
- Stabilizing and diversifying a Native community's economic base through business development ventures.

Social Development

- Enhancing tribal capabilities to design or administer programs aimed at strengthening the social environment desired by the local community;
- Developing local and intertribal models related to comprehensive planning and delivery of services;
- Developing programs or activities to preserve and enhance tribal heritage and culture; and
- Establishing programs which involve extended families or tribal societies in activities that strengthen cultural identity and promote community development or self-esteem.

Other SEDS Relationships. ANA encourages projects designed to use the SEDS approach to help achieve current priorities of the Administration for Children and Families which are to:

- Address welfare reform initiatives such as moving families to work.
- Help ensure child support from both parents.
- Create access to affordable child care for low income working families.
- Reach children earlier to promote full development, including links to Head Start, Early Head Start and Child Care.
- Help enroll children in quality Head Start and prepare them to be ready to learn.
- Provide safety, permanency and well-being for children and double the number of adoptions from the public child welfare system.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian Tribes;
- Consortia of Indian Tribes;
- Incorporated non-federally recognized Tribes;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Urban Indian Centers;
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Incorporated nonprofit Alaska Native multi-purpose community-based organizations;
- Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects;
- Nonprofit Native organizations in Alaska with village specific projects;
- Public and nonprofit private agencies serving Native Hawaiians (The populations served may be located on these islands or on the continental United States);
- Public and nonprofit private agencies serving native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands. (The populations served may be located on these islands or in the United States); and
- Tribally controlled community colleges, Tribally controlled cost-secondary vocational institutions, and Native controlled colleges and universities located in Hawaii, Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands which serve Native American Pacific Islanders.
- Non-profit Alaska Native community entities or tribal governing bodies (Indian Reorganization Act or traditional Councils) as recognized by the Bureau of Indian Affairs.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA SEDS grantees whose grant project period ends on or before September 30, 2000 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2000.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefitting Native Americans or Alaska Natives, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community except that a tribally controlled college or university (TCU) may apply in addition to the Tribe. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the purposes of ANA's SEDS policy and program goals described in the Background section of this competitive area; include a social and economic development strategy which reflects the needs and specific circumstances of the local community; and address the specific developmental steps that the tribe or Native American community is undertaking toward self-sufficiency.

The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific social, governance and economic long-range community goals relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The relationship between the long-range goals and the applicant's comprehensive community social and economic development plan. (Inclusion of the community's entire development plan is not necessary); and
- A clearly delineated social and economic development strategy (SEDS).
- In discussing their community-based, long-range goals, and the objectives for the proposed projects, non-Federally recognized and off-reservation groups must include a description of what constitutes their specific community.

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

A tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should define their membership and describe how the organization operates.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. These resources should be documented by letters of commitment of resources, not merely letters of support. ''Letters of commitment'' are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. ''Letters of support'' merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. Statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources and therefore carry less significance.

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (10 Points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed

in the Objective Work Plan and in the proposed budget. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes and/or proposed position descriptions demonstrate that the proposed staff are or will be qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (45 Points)

The application proposes specific project Objective Work Plan(s) with activities related to each specific objective.

The Objective Work Plan(s) in the application includes project objectives and activities for each budget period proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's social and economic development strategy;
- Clearly relates to the community's long-range goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected (20 Points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 Points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. Applicants from American Samoa, Guam, and the Northern Mariana Islands are not required to provide a 20% match for the non-Federal share since the level of funding available for the planned ANA grants would not invoke a required match for grants to these insular areas. Therefore, applicants from these insular areas may not have points reduced for the lack of matching funds. They are, however, expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project; and
- Requests funds which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- *Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in addition to Social Security. The applicant must provide a retirement plan fringe benefit for grant funded employees salaries of five (5) percent.*

ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

- The plan must be ''qualified'', i.e., approved by the Internal Revenue Service to receive special tax-favored treatment.
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

G. Application Due Dates

The closing dates for submission of applications under this competitive area are: October 8, 1999, January 28, 2000 and May 5, 2000.

H. Contact Information

Contact the ANA Applicant Help Desk at 202–690–7776 for assistance.

Competitive Area 2. Alaska-Specific Social and Economic Development Strategies (SEDS) Projects

A. Purpose and Availability of Funds

This competitive area funds Alaska Native social and economic development projects. Approximately $1.5 million of financial assistance is anticipated to be available for Alaska Native governance, social and economic development projects.

ANA plans to award approximately 15–18 grants under this competitive area. For individual village projects, the funding level for a budget period of 12 months will be up to $100,000; for regional nonprofit and village consortia, the funding level for a budget period of 12 months will be up to $150,000, commensurate with approved multi-village objectives.

B. Background

Based on the three ANA goals described in Part I, ANA implemented a special Alaska social and economic development initiative in fiscal year 1984. This special effort was designed to provide financial assistance at the village level or for village-specific projects aimed at improving a village's governance capabilities and for social and economic development.

This competitive area continues to implement this special initiative. ANA believes both the nonprofit and for-profit corporations in Alaska can play an important supportive role in assisting individual villages to develop and implement their own locally determined

strategies which capitalize on opportunities afforded to Alaska Natives under the Alaska Native Claims Settlement Act (ANCSA), Public Law 92–203.

While the Administration for Native Americans does not fund objectives or activities for the core administration of an organization. ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place.

C. Proposed Projects To Be Funded

Examples of the types of projects that ANA may fund include, but are not limited to, projects that will:

Governance

- Initiate demonstration programs at the regional level to allow Native people to become involved in developing strategies to maintain and develop their economic subsistence base;
- Assist villages in developing land use capabilities and skills in the areas of land and natural resource management and protection, resource assessment and conducting environmental impact studies;
- Assist village consortia in the development of tribal constitutions, ordinances, codes and tribal court systems;
- Develop agreements between the State and villages that transfer programs jurisdictions, and/or control to Native entities;
- Strengthen village government control of land management, including land protection, through coordination of land use planning with village corporations and cities, if appropriate;
- Assist in status clarification activities;
- Initiate village level mergers between village councils, village corporations and others to coordinate programs and services which safeguard the health, well being and culture of a community and its people;
- Strengthen local governance capabilities through the development of village consortia and regional IRAs (Indian Reorganization Act councils organized under the Indian Reorganization Act, 25 U.S.C. 473a);
- Assist villages in preparing and coordinating plans for the development and/or improvement of water and sewer systems within the village boundaries;
- Assist villages in establishing initiatives through which youth may participate in the governance of the community and be trained to assume leadership roles in village governments; and
- Consider strategies and plans to protect against, monitor, and assist when catastrophic events occur, such as oil spills or earthquakes.

Economic Development

- Assist villages in developing businesses and industries which: (1) use local materials; (2) create jobs for Alaska Natives; (3) are capable of high productivity at a small scale of operation; and (4) complement traditional and necessary seasonal activities;
- Substantially increase and strengthen efforts to establish and improve the village and regional infrastructure and the capabilities to develop and manage resources in a highly competitive cash-economy system;
- Assist villages, or consortia of villages, in developing subsistence compatible industries that will retain local dollars in villages;
- Assist in the establishment or expansion of native-businesses; and
- Assist villages in labor export; i.e., people leaving the local communities for seasonal work and returning to their communities.

Social Development

- Assist in developing training and education programs for local jobs in education, government, and health-related fields; and work with these agencies to encourage job replacement of non-Natives by trained Natives;
- Develop local models related to comprehensive planning and delivery of social services;
- Develop new service programs, initially established with ANA funds, which will be funded by local communities or the private sector for continued operation after the ANA grant expires.
- Develop or coordinate with State-funded projects, activities designed to decrease the incidence of child abuse and neglect, fetal alcohol syndrome, and/or suicides;
- Assist in obtaining licenses to provide housing or related services from State or local governments; and
- Develop businesses to provide relief for caretakers needing respite from human service-related care work.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian Tribes in Alaska;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Incorporated nonprofit Alaska Native multi-purpose community-based organizations;
- Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects; and
- Nonprofit Native organizations in Alaska with village specific projects.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA SEDS grantees in Alaska whose project period ends on or before September 30, 2000 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2000.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefitting Native Americans or Alaska Natives, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or

Native American community except that a tribally controlled college or university (TCU) may apply in addition to the Tribe. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

Although for-profit regional corporations established under ANCSA are not eligible applicants, individual villages and Indian communities are encouraged to use for-profit regional corporations as subcontractors and to collaborate with them in joint-venture projects for promoting social and economic self-sufficiency. ANA encourages the for-profit corporations to assist the villages in developing applications and to participate as subcontractors in a project.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the purposes of ANA's SEDS policy and goals (described in the Background section of this competitive area and in the Background section of Competitive Area 1), include a social and economic development strategy which reflects the needs and specific circumstances of the local community, and address the specific developmental steps that the tribe or Native American community is undertaking toward self-sufficiency.

The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific social, governance and economic long-range community goals relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The relationship between the long-range goals and the applicant's comprehensive community social and economic development plan. (Inclusion of the community's entire development plan is not necessary); and
- A clearly delineated social and economic development strategy (SEDS).

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

A tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should describe their membership and define how the organization operates.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. These resources should be documented by letters of commitment of resources, not merely letters of support. ''Letters of commitment'' are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. ''Letters of support'' merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. (Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.)

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (10 Points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (45 Points)

The application proposes specific project objective work plans with activities related to each specific objective. The objective work plan(s) in the application includes project objectives and activities for each budget period proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's social and economic development strategy;
- Clearly relates to the community's long-range goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected (20 Points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 Points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. All applicants are expected to coordinate and organize any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project; and
- Requests funds which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- *Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in addition to Social Security. The applicant must provide a retirement plan fringe benefit of five (5) percent of grant funded employees' salaries.*

ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

- The plan must be ''qualified'', i.e., approved by the Internal Revenue Service to receive special tax-favored treatment.
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

G. Application Due Date

The closing date for submission of applications under this competitive area is: May 12, 2000. Applicants are reminded that for this May closing, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both.

H. Contact Information

Contact the ANA Applicant Help Desk at 202–690–7776 for assistance.

Competitive Area 3. Indian Environmental Regulatory Enhancement Projects

A. Purpose and Availability of Funds

This competitive area funds environmental regulatory enhancement projects. Approximately $3 million of financial assistance is anticipated to be available for environmental regulatory enhancement projects. ANA expects to award approximately 35 grants under this competitive area. The funding level for a budget period of 12 months will be up to $250,000. An applicant may propose project periods of between 12 and 36 months.

B. Background

Despite an increasing environmental responsibility and growing awareness of environmental issues on Indian lands, there has been a lack of resources available to tribes to develop tribal environmental programs that are responsive to tribal needs. In many cases, this lack of resources has resulted in a delay in action on the part of the tribes.

Some of the critical issues identified by tribes before Congressional committees include:

- The need for assistance to train professional staff to monitor and enforce tribal environmental programs;
- The lack of adequate data for tribes to develop environmental statutes and establish environmental quality standards; and
- The lack of resources to conduct studies to identify sources of pollution and the ability to determine the impact on existing environmental quality.

As a result, Congress enacted the Indian Environmental Regulatory Enhancement Act of 1990 (Public Law 101–408) to strengthen tribal governments through building capacity within the tribes in order to identify, plan, develop, and implement environmental programs in a manner that is consistent with tribal culture. ANA is to support these activities on a government-to-government basis in a way that recognizes tribal sovereignty and is consistent with tribal culture.

The Administration for Native Americans believes that responsibility for achieving environmental regulatory enhancement rests with the governing bodies of Indian tribes, Alaska Native villages, and with the leadership of Native American groups. ''Environmental regulatory enhancement'' includes (but is not limited to) the planning, development, and application of laws, training, monitoring, and enforcement procedures, tribal courts, environmental

laboratories and other facilities, and associated regulatory activities to strengthen the tribal government's capacity to enhance the quality of reservation life as measured by the reduction of pollutants in the air, water, soil, food and materials encountered by inhabitants of tribes and villages.

Progress toward the goal of environmental regulatory enhancement would include the strengthening of tribal environmental laws, providing for the training and education of those employees responsible for ensuring compliance with and enforcement of these laws, and the development of programs to conduct compliance and enforcement functions.

Other functions leading toward enhancing local regulatory capacity include, but are not limited to:

- Environmental assessments;
- Development and use of environmental laboratories; and
- Development of court systems for enforcement of tribal and Federal environmental laws.

Ultimate success in this program will be realized when the applicant's desired level of environmental quality is acquired and maintained.

C. Proposed Projects To Be Funded

Financial assistance provided by ANA is available for developmental projects designed to assist tribes in advancing their capacity and capability to plan for and:

- Develop or enhance the tribal environmental regulatory infrastructure required to support a tribal environmental program, and to regulate and enforce environmental activities on Indian lands pursuant to Federal and Indian law;
- Develop regulations, ordinances and laws to protect the environment;
- Develop the technical and program capacity to carry out a comprehensive tribal environmental program and perform essential environmental program functions;
- Promote environmental training and education of tribal employees;
- Develop technical and program capability to meet tribal and Federal regulatory requirements;
- Develop technical and program capability to monitor compliance and enforcement of tribal environmental regulations, ordinances, and laws; and
- Ensure the tribal court system enforcement requirements are developed in concert with and support the tribe's comprehensive environmental program.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian tribes;
- Incorporated non-federally and State recognized Indian tribes;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Nonprofit Alaska Native Regional Corporations/Associations with village specific projects; and
- Other tribal or village organizations or consortia of Indian tribes.
- Tribal governing bodies (IRA or traditional councils) as recognized by the Bureau of Indian Affairs.

The following organizations are not eligible to apply based on the determination that they do not own or manage resources for which environmental regulatory projects are directed and therefore are not empowered to perform such projects:

- Urban Indian Centers;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Public and nonprofit private agencies serving: Native Hawaiians, peoples from Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the Republic of Palau;
- Incorporated nonprofit Alaska Native multi-purpose community based organizations; and
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA Indian Environmental Regulatory Enhancement project grantees whose grant project period ends on or before September 30, 2000 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2000.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefitting Native Americans or Native Alaskans, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the environmental regulatory purposes stated and described in the Background section of this competitive area. The evaluation criteria are closely related to each other and are considered as a

whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific environmental regulatory enhancement long-range goal(s) relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The applicant's specific environmental regulatory needs; and
- A clearly delineated strategy to improve the capability of the governing body of a tribe to regulate environmental quality through enhancing local capacity to perform necessary regulatory functions.

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

Similarly, a tribal organization may submit resolutions supporting the project proposal from each of its member tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. These resources should be documented by letters of commitment of resources, not merely letters of support. ''Letters of commitment'' are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. ''Letters of support'' merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. (Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.)

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (15 Points)

(a) The management and administrative structure of the applicant is described and explained. Evidence of the applicant's ability to manage a project of the scope proposed is well documented. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage or consult on the project. The tribe itself may not have experience to meet this requirement but the proposed staff and consultants should have the required qualifications and experience. The application should clearly describe any previous or current activities of the applicant organization or proposed staff and/or consultants in support of environmental regulatory enhancement.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes indicate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (40 Points)

The application proposes specific project objective work plans with activities arelated to each specific objective. The objective work plan(s) in the application includes project objectives and activities for each budget period proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's strategy for environmental regulatory enhancement;
- Clearly relates to the community's long-range environmental goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected. (20 points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range environmental goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. All applicants are expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate

the determination of cost allowability and the relevance of these costs to the proposed project; and

- Requests funds which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- *Includes an employee fringe benefit budget that provides grant-funded employees with a qualified, self-directed, portable retirement plan in addition to Social Security. The applicant must provide a retirement plan fringe benefit of five (5) percent of grant funded employees-salaries. grant project.*

ANA considers a retirement plan to be a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:

- The plan must be ''qualified'', i.e., approved by the Internal Revenue Service to receive special tax-favored treatment.
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- The plan must be a 401(k) for people who work in corporations or 403(b) plan for people who work for not-for-profit organizations. An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc. In no case will a non-qualified deferred compensation plan, e.g., Supplemental Executive Retirement Plan (SERPs) or Executive Bonus Plan be accepted.

G. Application Due Date

The closing date for submission of applications under this competitive area is February 25, 2000.

H. Contact Information

Contact the ANA Applicant Help Desk at 202–690–7776 for assistance.

Part III—General Application Information and Guidance

A. Definitions

Funding areas in this program announcement are based on the following definitions:

- A ''multi-purpose community-based Native American organization'' is an association and/or corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several different areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, and the delivery of human services such as health care, day care, counseling, education, and training.
- A ''multi-year project'' is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.
- ''Budget Period'' is the interval of time (usually 12 months) into which the project period is divided for budgetary and funding purposes.
- ''Core administration'' is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project.
- ''Environmental regulatory enhancement'' includes (but is not limited to) the planning, development, and application of laws, training, monitoring, and enforcement procedures, tribal courts, environmental laboratories and other facilities, and associated regulatory activities to strengthen the tribal government's capacity to enhance the quality of reservation life as measured by the reduction of pollutants in the air, water, soil, food and materials encountered by inhabitants of tribes and villages.
- ''Real Property'' means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.
- ''Construction'' is the term which specifies a project supported through a discretionary grant or a cooperative agreement, to support the initial building of a facility.
- ''Core administration'' is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project. Under Competitive Area 2, ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place. However, functions and activities that are clearly project related are eligible for grant funding. For example, the management and administrative functions necessary to carry out an ANA approved project are not considered ''core administration'' and are, therefore, eligible costs. Additionally, ANA will fund the salaries of approved staff for time actually and reasonably spent to implement a funded ANA project.

B. Activities That Cannot Be Funded

The Administration for Native Americans does not fund:

- Projects that operate indefinitely or require ANA funding on a recurring basis.
- Projects in which a grantee would provide training and/or technical assistance (T/TA) to other tribes or Native American organizations which are otherwise eligible to apply to ANA (''third party T/TA''). However, the purchase of T/TA by a grantee for its own use or for its members' use (as in the case of a consortium), where T/TA is necessary to carry out project objectives, is acceptable. In addition, T/TA is an allowable activity for environmental regulatory enhancement projects submitted under Competitive Area 3.
- The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.
- ANA will not fund the purchase of real property.
- ANA will not fund construction.
- Objectives or activities for the support of core administration of an organization.
- Costs of fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under a grant award. However, even though these costs are unallowable for purposes of computing charges to Federal awards, they must be treated as direct costs for purposes of determining indirect cost rates and be allocated their share of the

organization's indirect costs if they represent activities which (1) include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs.

Projects or activities that generally will not meet the purposes of this announcement are discussed further in Part III, Section G, General Guidance to Applicants, below.

C. Multi-Year Projects

A multi-year project is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. Applicants are encouraged to develop multi-year projects. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.

Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for continuation grants funded under these awards beyond the one-year budget period, but within a two-to-three year project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the Government. Therefore, this program announcement does not apply to current ANA grantees with multi-year projects that apply for continuation funding for their second or third year budget periods.

D. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372 or 45 CFR Part 100.

E. The Application Process

1. Application Submission by Mail

One signed original, and two copies, of the grant application, including all attachments, must be mailed on or before the specific closing date of each ANA competitive area to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant Promenade, S.W., Mail Stop HHH 326–F, Washington, D.C. 20447–0002, Attention: Lois B. Hodge, ANA No. 93612–001.

2. Application Submission by Courier

Hand delivered applications are accepted between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, if they are either received on or before the deadline date or postmarked on or before the established closing date at: Administration for Children and Families, ACYF/Office of Grants Management, ACF Mail Room, Second Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, Attention: Lois B. Hodge, ANA No. 93612–001.

2. Application Consideration

The ANA Commissioner determines the final action to be taken on each grant application received under this program announcement.

The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determination by ANA. An incomplete application is one that is:
- Missing Form SF 424
- Does not have a signature on Form SF 424
- Does not include proof of non-profit status, if applicable
- The application (Form 424) must be signed by an individual authorized (1) to act for the applicant tribe or organization, and (2) to assume the applicant's obligations under the terms and conditions of the grant award, including Native American Program statutory and regulatory requirements.
- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation process (discussed in section G below). Independent review panels consisting of reviewers familiar with American Indian Tribes and Native American communities and organizations, and environmental issues, as appropriate, evaluate each application using the published criteria in each funding competitive area. As a result of the review, a normalized numerical score will be assigned to each application. A normalized score reflects the average score from the reviewers, adjusted to reflect the average score from the panels.
- The Commissioner's funding decision is based on the review panel's analysis of the application, recommendation and comments of ANA staff, State and Federal agencies having contract and grant performance related information, and other parties.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.
- Successful applicants are notified through an official Financial Assistance Award (FAA) document. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-ACF matching share requirement.
- Each tribe, Native American organization, or other eligible applicant may compete for a grant award in each of the three competitive areas. However, no applicant may receive more than one SEDS grant. The Administration for Native Americans will accept only one application per competitive area from any one applicant. Alaska Native entities may receive a grant under either competitive area 1 or 2, but not under both. Therefore, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both at the same time.
- If an eligible applicant sends in two applications for the same competitive area, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

F. The Review Process

1. Initial Application Review

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine that:

- The applicant is eligible in accordance with the Eligible Applicants Section of this announcement; and
- The application is signed and submitted by the deadline explained in section G, Application Due Date, in each competitive area of this announcement.
- The application narrative, forms and materials submitted are adequate to allow the review panel to undertake an in depth evaluation and the project described is an allowable type. (All required materials and forms are listed in the Grant Application Checklist in the Application Kit).

Applications subjected to the pre-review described above which fail to satisfy one or more of the listed requirements will be ineligible or otherwise excluded from competitive evaluation.

2. Competitive Review of Accepted Applications

Applications which pass the pre-review will be evaluated and rated by an

independent review panel on the basis of the specific evaluation criteria listed in Part II. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success.

ANA staff cannot respond to requests for information regarding funding decisions prior to the official notification to the applicants.

After the Commissioner has made decisions on all applications, unsuccessful applicants are notified in writing within 30 days. The notification will be accompanied by a critique including recommendations for improving the application.

3. Appeal of Ineligibility

Applicants who are initially excluded from competitive evaluation because of ineligibility, may appeal an ANA decision of applicant ineligibility. Likewise, applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration. The appeals process is stated in the final rule published in the **Federal Register** on August 19, 1996 (61 FR 42817).

G. General Guidance to Applicants

The following information is provided to assist applicants in developing a competitive application.

1. Program Guidance

- The Administration for Native Americans funds projects that demonstrate the strongest prospects for addressing the stated purposes of this program announcement.
- Projects will not be ranked on the basis of general financial need.
- In discussing the goals, strategy, and problems being addressed in the application, include sufficient background and/or history of the community concerning these issues and/or progress to date, as well as the size of the population to be served. This material will assist the reviewers in determining the appropriateness and potential benefits of the proposed project.
- In the discussion of community-based, long-range goals, non-Federally recognized and off-reservation groups are encouraged to include a description of what constitutes their specific ''community.''
- Applicants must document the community's support for the proposed project and explain the role of the community in the planning process and implementation of the proposed project. For tribes, a current signed resolution from the governing body of the tribe supporting the project proposal stating that there has been community involvement in the planning of this project will suffice as evidence of community support/involvement. For all other eligible applicants, the type of community you serve will determine the type of documentation necessary. For example, a tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.
- Applications from National Indian and Native American organizations must demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project.
- An application should describe a clear relationship between the proposed project, the social and economic development strategy, or environmental or language goals, as appropriate, and the community's long-range goals or plan.
- The project application, including the Objective Work Plans, must clearly identify in measurable terms the expected results, benefits or outcomes of the proposed project, and the positive or continuing impact that the project will have on the community.
- Supporting documentation, including letters of support, if available, or other testimonies from concerned interests other than the applicant should be included to demonstrate support for the feasibility of the project and the commitment of other resources to the proposed project.
- In the ANA Project Narrative, Section A of the application package, ''Resources Available to the Proposed Project,'' the applicant should describe any specific financial circumstances which may impact on the project, such as any monetary or land settlements made to the applicant, and any restrictions on the use of those settlements. When the applicant appears to have other resources to support the proposed project and chooses not to use them, the applicant should explain why it is seeking ANA funds and not utilizing these resources for the project.
- Applicants proposing an Economic Development project should address the project's feasibility. A business plan describing the project's feasibility and approach for the implementation and marketing of the business is recommended. ANA has included sample business plans in the application kit. It is strongly recommended that an applicant use these materials as guides in developing a proposal for an economic development project or business that is part of the application.
- Applications which were not funded under a previous closing date and revised for resubmission should make reference to the changes, or reasons for not making changes, in their current application.

2. Technical Guidance

- It is strongly suggested that the applicant follow the Supplemental Guide included in the ANA application kit to develop an application. The Guide provides practical information and helpful suggestions, and is an aid to help applicants prepare ANA applications.
- Applicants are encouraged to have someone other than the author apply the evaluation criteria in the program announcement and score the application prior to its submission, in order to gain a better sense of the application's quality and potential competitiveness in the ANA review process.
- For purposes of developing an application, applicants should plan for a project start date approximately 120 days after the closing date under which the application is submitted.
- The Administration for Native Americans will not fund essentially identical projects serving the same constituency.
- If a project could be supported by other Federal funding sources, the applicant should fully explain its reasons for not pursuing other Federal funds for the project.
- For purposes of this announcement, ANA is using the Bureau of Indian Affairs' list of Federally recognized Indian tribes which includes nonprofit Alaska Native community entities or tribal governing bodies (IRA or traditional councils). Other Federally recognized Indian tribes which are not included on this list (e.g., those Tribes which have been recently recognized or restored by the United States Congress) are also eligible to apply for ANA funds.
- The Objective Work Plan proposed should be of sufficient detail to become a monthly staff guide for project responsibilities if the applicant is funded.
- If a profit-making venture is being proposed, profits must be reinvested in the business in order to decrease or eliminate ANA's future participation. Such revenue must be reported as general program income. A decision will be made at the time of grant award

regarding appropriate use of program income. (See 45 CFR Part 74 and Part 92.)

- Applicants proposing multi-year projects must fully describe each year's project objectives and activities. Separate Objective Work Plans (OWPs) must be presented for each project year and a separate itemized budget of the Federal and non-Federal costs of the project for each budget period must be included.
- Applicants for multi-year projects must justify the entire time-frame of the project (i.e., why the project needs funding for more than one year) and clearly describe the results to be achieved for each objective by the end of each budget period of the total project period.
- The Administration for Native Americans will critically evaluate applications in which the acquisition of equipment is a major component of the Federal share of the budget. ''Equipment is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per ''unit.'' During negotiation, such expenditures may be deleted from the budget of an otherwise approved application, if not fully justified by the applicant and deemed not appropriate to the needs of the project by ANA.
- Applicants are encouraged to request a legibly dated receipt from a commercial carrier or U.S. Postal Service as proof of timely mailing.

3. Grant Administrative Guidance

- The application's Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.
- The Administration for Native Americans recommends that the pages of the application be numbered sequentially and that a table of contents be provided. Simple tabbing of the sections of the application is also helpful.
- An application with an original signature and two additional copies are required.
- The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.
- The applicant should specify the entire project period length on the first page of the Form 424, Block 13, not the length of the first budget period. Should the application propose one length of project period and the Form 424 specify a conflicting length of project period, ANA will consider the project period specified on the Form 424 as the request. ANA may negotiate a reduction of the project period. The approved project period is shown on block 9 of a Financial Assistance Award.
- Line 15a of the Form 424 must specify the Federal funds requested for the first Budget Period, not the entire project period.
- Applicants may propose a 17-month project period. However, the project period for the first year of a multi-year project may only be 12 months.

4. Projects or Activities That Generally Will Not Meet the Purposes of This Announcement

- Projects that request funds for feasibility studies, business plans, marketing plans or written materials, such as manuals, that are *not an essential part* of the applicant's long-range development plan. As an objective of a larger project, business plans are allowable. However, ANA is not interested in funding ''wish lists'' of business possibilities. ANA expects written evidence of the solid investment of time and consideration on the part of the applicant with regard to the development of business plans. Business plans should be developed based on market analysis and feasibility studies regarding the potential success to the business prior to the submission of the application.
- Core administration functions, or other activities, which essentially support only the applicant's on-going administrative functions. However, under Competitive Area 2, ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place.
- Project goals which are not responsive to one or more of the funding competitive areas.
- Proposals from consortia of tribes that are not specific with regard to support from, and roles of, member tribes. ANA expects an application from a consortium to have goals and objectives that will create positive impacts and outcomes in the communities of its members. Proposals from consortia of tribes should have individual objectives which are related to the larger goal of the proposed project. Project objectives may be tailored to each consortia member, but within the context of a common goal for the consortia. In situations where both a consortia of tribes and the tribes who belong to the consortia receive ANA funding, ANA expects that consortia groups will not seek funding that duplicates activities being conducted by their member tribes.
- Projects that will not be completed, self-sustaining, or supported by other than ANA funds, at the end of the project period. All projects funded by ANA must be completed, or self-sustaining or supported with other than ANA funds at the end of the project period. ''Completed'' means that the project ANA funded is finished, and the desired result(s) have been attained. ''Self-sustaining'' means that a project will continue without outside resources. ''Supported by other than ANA funds'' means that the project will continue beyond the ANA project period, but will be supported by funds other than ANA's.
- Once a tribe has been denied federal recognition through the BIA Federal Acknowledgment Process, ANA will not fund objectives relating to the attainment of federal recognition, unless the objectives deal specifically and exclusively with the formal appeal of a denial.
- ANA will not fund investment capital for purchase or takeover of an existing business, for purchase or acquisition of a franchise, or for purchase of stock or other similar investment instruments.
- Renovation or alteration unless it is essential for the project. Renovation or alteration costs may not exceed the lesser of $150,000 or 25 percent of the total direct costs approved for the entire budget period.
- Projects originated and designed by consultants who provide a major role for themselves in the proposed project and are not members of the applicant organization, tribe or village.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Pub. L. 104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record keeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements beyond those approved for ANA grant applications under the Program Narrative Statement by OMB.

I. Receipt of Applications

Applications must either be hand delivered or mailed to the address in Section E, The Application Process. The Administration for Native Americans cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ANA electronically will not be accepted regardless of date or time of submission

and time of receipt. Videotapes and cassette tapes may not be included as part of a grant application for panel review.

Applications and related materials postmarked after the closing date will be classified as late.

1. Deadlines

- Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant, SW, Mail Stop HHH 326–F, Washington, DC 20447–0002 Attention: Lois B. Hodge ANA No. 93612–001.
- Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.
- Applications hand carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date or postmarked on or before the deadline date, Monday through Friday (excluding Federal holidays), between the hours of 8:00 am and 4:30 pm at: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)
- ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.
- No additional material will be accepted, or added to an application, unless it is postmarked by the deadline date.

2. Late applications

Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

3. Extension of deadlines

The Administration for Children and Families may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is a widespread disruption of the mails. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

(Catalog of Federal Domestic Assistance Program Numbers: 93.612 Native American Programs; and 93.581 Improving the Capability of Indian Tribal Governments to Regulate Environmental Quality)

Dated: August 9, 1999.

Gary N. Kimble,

Commissioner, Administration for Native Americans.

[FR Doc. 99–21175 Filed 8–16–99; 8:45 am]

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Federal Register

Tuesday
August 17, 1999

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Internet Crimes Against Children Task Force Training and Technical Assistance Program; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1242]

RIN 1121–ZB76

Internet Crimes Against Children Task Force Training and Technical Assistance Program

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Announcement of Discretionary Competitive Assistance Grant.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to Public Law 105–277, October 19, 1998, the Omnibus Consolidated and Emergency Supplemental Appropriation Act of 1999, is requesting applications from organizations to provide a training and technical assistance program that will assist OJJDP in developing and delivering programs and activities designed to counter the computer-facilitated sexual exploitation of children. Congress has directed OJJDP to sponsor ''town meetings to focus on cybercrimes against children in local communities across the country'' and to deliver ''highly technical sophisticated computer training for State and local law enforcement.'' In addition to town meetings, activities will include delivering computer forensic training to State and local law enforcement officers, and providing OJJDP with the technical assistance capacity to administer the Internet Crimes Against Children Task Force (ICAC Task Force) Program.

DATES: Applications must be received by October 1, 1999.

ADDRESSES: Interested applicants must obtain an application kit from the Juvenile Justice Clearinghouse at 800–638–8736. The application kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org/grants/about.html/#kit.

FOR FURTHER INFORMATION CONTACT: Michael Medaris, ICAC Task Force Program Manager, Office of Juvenile Justice and Delinquency Prevention, 202–616–8937.

This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Purpose

This program has two purposes. The first is to assist State and local law enforcement agencies enhance their investigative response to sexual exploitation of children by offenders using the Internet, online communication systems, or other computer technology. The second is to assist OJJDP to administer the ICAC Task Force Program through the provision of training and technical assistance and other activities as determined by OJJDP. For purposes of this program announcement, ''Internet crimes against children'' refers to sexual exploitation of children facilitated by computers and includes crimes of child pornography and online solicitation for sexual purposes.

Background

Industry experts estimate that more than 10 million children currently go online and, by the year 2002, 45 million children will use cyberspace to talk with friends, explore the universe, or complete homework assignments. While providing almost limitless opportunities to learn, the Internet has also become the new venue for predators seeking children to victimize. Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children, seeking victims with little risk of detection. Preferential sex offenders [1] can roam from chat room to chat room trolling for children susceptible to victimization. This alarming trend has grave implications for parents, teachers, and law enforcement officers because it circumvents conventional safeguards in place for the physical world and provides sex offenders virtually unlimited opportunities for unsupervised contact with children.

The Internet has also become a major medium for distribution of child pornography. In 1982, in *New York* v. *Ferber*, 458 U.S. 747 (1982), the Supreme Court stated: ''The distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children . . . the materials produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation.'' Child pornography not only depicts the sexual assault of a child, but is also used by child molesters to recruit, seduce, and control future victims. It is used to break down inhibitions, validate sex between children and adults as normal, and control the victim throughout the molestation. When the offender loses interest, it is often used as blackmail to ensure the child's silence and in these most egregious cases, child pornography allows the molester to go unpunished and the victim untreated. It is clear to OJJDP that the intersecting of the increasing online presence of children, the proliferation of child pornography, and preferential sex offenders ceaselessly searching for unsupervised contact with underage victims presents a significant threat to the health and safety of children.

In response to this threat, Congress in the FY 1998 Omnibus Appropriations Act, Public Law 105–119, authorized OJJDP to stimulate the creation of ''State and local law enforcement cyber units to investigate child sexual exploitation.'' In September 1998, with 10 awards to State and local law enforcement agencies across the Nation, OJJDP initiated a national program to counter the emerging threat of offenders using the Internet or other online technology to sexually exploit children. Designed to encourage communities to adopt a multidisciplinary, multijurisdictional response to online enticement and child pornography cases, the Internet Crimes Against Children Task Force (ICAC Task Force) Program ensures that participating State and local law enforcement agencies can acquire the necessary knowledge, equipment, and personnel resources to prevent, interdict, or investigate ICAC offenses. Under this program, ICAC Task forces serve as regional sources of prevention, education, and investigative expertise to provide assistance to parents, teachers, law enforcement, and other professionals working on child victimization issues.

Agencies receiving ICAC Task Force Program funding in FY 1998 were Bedford County, Virginia, Sheriff's Department; Broward County, Florida, Sheriff's Department; Colorado Springs, Colorado, Police Department; Dallas, Texas, Police Department; Illinois State Police; New York State Division of Criminal Justices Services; Portsmouth, New Hampshire, Police Department; Sacramento County, California, Sheriff's Office; the South Carolina Office of the Attorney General; and the Wisconsin Department of Justice.

Under a cooperative agreement with OJJDP, the National Center for Missing and Exploited Children (NCMEC) also plays a crucial role in enhancing the national response to Internet crimes against children by providing a wide range of activities including the CyberTipline, which provides a way for children, parents, and concerned citizens to report information online about suspected child exploitation activity to law enforcement; prevention and education programs; and training courses for law enforcement. For example, NCMEC's Protecting Children

[1] For the purposes of this program, preferential sex offenders are defined as individuals whose primary sexual focus is on children.

Online course provides investigators specific information regarding behavior characteristics, technical demands of Internet investigations, interviewing and interrogation techniques, and other aspects of law enforcement essential to effective investigation of these offenses. Its Protecting Children Online Unit Commander Seminar focuses on the broader policy and procedural issues that confront law enforcement managers developing strategies for responding to Internet crimes against children.

In FY 1999, OJJDP will provide continuation funding to the 10 original task forces. It will also expand the ICAC Task Force Program by adding 8 new agencies.

OJJDP ICAC Task Force Program Management

Nearly all law enforcement investigations start with a determination of jurisdiction and in making that determination, time, place, and location are important considerations. However, this conventional approach is virtually meaningless in the electronic world of cyberspace, and preferential sex offenders have quickly developed substantial expertise in adapting this ambiguity to further their criminal activities.

Few ICAC cases begin and end within the same jurisdiction, and investigations usually cross town, State, or even international borders. Accordingly, nearly all ICAC investigations involve multiple jurisdictions and require interagency coordination and communication. Absent meaningful case coordination, it is likely that law enforcement will simultaneously investigate identical suspects and organizations or target undercover operatives of other law enforcement agencies. Lack of communication can also contribute to law enforcement officers inadvertently disrupting clandestine investigations of other agencies.

The obvious need for interagency cooperation and coordination also stimulates interest in establishing standards for ICAC undercover investigations. Representatives from Federal, State, and local law enforcement agencies have repeatedly expressed concern about initiating investigations based on outside agency referrals that may be predicated on information acquired through inappropriate officer conduct or investigative techniques.

The clandestine nature of undercover operations along with the Internet's metaphysical aspect significantly increases these concerns. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. These operations allow law enforcement to go on the offensive and—what is most important—children do not have to be victimized to bring a case. While there is substantial consensus that carefully managed undercover operations by well-trained officers are very effective, they also generate significant concerns regarding legal, coordination, communication, and resource management issues.

To address these concerns, OJJDP has established ICAC Task Force operational and investigative standards (Standards) through a collaborative process with the 10 original ICAC Task Force agencies and Federal prosecutorial and law enforcement agencies.[2] The Standards were designed by the Task Force agencies to foster information sharing, coordinate investigations, ensure the probative quality of undercover operations, and facilitate interagency case referrals through standardization of investigative practices.

OJJDP has also established an ICAC Task Force Review Board (Board), composed of local prosecutors and law enforcement executives from participating agencies, to review proposed undercover operations for compliance with the principles of the Standards, formulate policy, encourage case coordination, and facilitate information sharing on trends, investigative techniques, and prosecution strategies.

In sum, program management for the OJJDP ICAC Task Force involves:

- Ensuring that ICAC Task Force personnel are adequately trained and equipped.
- Maintaining ICAC investigative standards to facilitate interagency case referrals.
- Advocating coordination and collaboration among Federal, State, and local law enforcement agencies investigating ICAC offenses.
- Fostering meaningful information sharing to avoid redundant investigations or disruptive activities to ongoing investigations of other agencies.
- Maintaining an advisory board to review undercover operations proposals and to formulate policy for the operation of the ICAC Task Force Program.

[2] Participating in development of the Standards were representatives from the United States Customs Service (USCS), the United States Postal Inspection Service (USPIS), the National Center for Missing and Exploited Children (NCMEC), and—from the Department of Justice—OJJDP, the Federal Bureau of Investigation, the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division, and the Executive Office for United States Attorneys.

Goal

To develop a training and technical assistance program to assist State and local law enforcement to respond to ICAC offenses and to assist OJJDP in supporting the ICAC Task Force Program.

Objectives

The project must accomplish the following objectives:

- Develop and deliver a technical investigative course that complements the curriculum of NCMEC's Protecting Children Online course. This new technical investigative course must feature a hands-on approach and be capable of being offered regionally. It should provide information regarding legal issues, hardware and software specifications, evidence collection procedures, and specific investigative techniques to assist law enforcement to effectively respond to computer-facilitated sexual exploitation cases.
- Using the ''town meeting'' concept, assist OJJDP and NCMEC to sponsor events to promote awareness and encourage jurisdictions to develop communitywide prevention and interdiction efforts related to ICAC offenses.
- Develop a logistical support program to facilitate OJJDP ICAC Task Force Board meetings.
- Develop a technical assistance capacity composed of a cadre of expert practitioners who have expertise in task force implementation including the development of multiagency response protocols, information sharing, performance measures, Federal grant reporting requirements, and investigative and technical aspects of ICAC investigations.
- Develop an ICAC offense training and technical assistance directory that includes information regarding existing prevention and education programs and publications and provides a list of technical and investigative course providers that offer training relevant to ICAC investigations.
- Develop an ongoing needs assessment system to assist OJJDP to plan future training and technical assistance programs.

Program Strategy

OJJDP is consolidating a wide range of training, technical assistance, and town meeting activities to achieve cost savings and to ensure that these activities are carried out with a consistent point of view and comply with the OJJDP ICAC Task Force

Standards. Because the Standards contain sensitive investigative information, they will not be made available to organizations during the application phase of this program. However, for the purposes of responding to this request for proposals, applicants should be aware that the Standards express broad law enforcement themes that pertain to target selection, supervision, media releases, evidence collection procedures, undercover conduct, and other issues regarding ICAC investigations. OJJDP will make the Standards available to the successful applicant once the award is made.

During the implementation of these activities, the applicant will be expected to collaborate with NCMEC and to work closely with OJJDP.

Eligibility Requirements

OJJDP invites applications from public and private nonprofit agencies. Joint applications from two or more eligible applicants are welcome; however, one applicant must be clearly indicated as the primary applicant (for correspondence, award, and management purposes) and the others indicated as coapplicants.

Selection Criteria

OJJDP will convene a peer review panel to evaluate and rank applications and to make a funding recommendation to the OJJDP Administrator. Although peer review recommendations are given weight, they are advisory only and the final award decision will be made by the OJJDP Administrator. OJJDP will negotiate specific terms of the award with applicants being considered for the award. Applicants will be rated and evaluated according to the criteria outlined below.

Problem(s) To Be Addressed (10 points)

The applicant should clearly demonstrate an understanding of the program concept and in particular, an understanding of a program requiring reconciliation of Federal oversight responsibilities with the interests of State and local law enforcement agencies.

Goals and Objectives (10 points)

Applicants must establish goals and objectives for this program that are clearly defined, measurable, and attainable.

Project Design (25 points)

The applicant must present a clear workplan that contains program elements directly linked to the achievement of the project objectives. The workplan must indicate significant project milestones, product due dates, and the nature of the products to be delivered. In addition, applicant should present a clear concept of how it intends to deliver a technical computer investigative course that is designed to be offered regionally and features a hands-on approach.

Management and Organizational Capability (40 points)

The project's management structure and staffing must be appropriate for the successful implementation of the project. Applicants must present résumés of staff (either permanent or contractual) with expertise in meeting logistics, computer forensics, curriculum development, and law enforcement task force implementation and maintenance issues. Applicants must also present a workplan that identifies responsible individuals, their time commitment, and their relation to major tasks and milestones.

The applicant's organizational ability to administer the project successfully must be clearly documented in the proposal and should include available computer technology to be utilized in attaining the objectives. Documentation must include past or current organizational experience in the subject areas and skills required to achieve the objectives and with projects of the magnitude and complexity described in this program announcement. In addition, applicants must demonstrate an ability and history of handling sensitive information in a confidential and prudent manner.

Budget (15 points)

Applicants must provide a proposed budget that is complete, detailed, reasonable, allowable, and cost effective in relation to the activities to be undertaken. Applicants should consider the following OJJDP expectations for budget planning purposes:

- Deliver at least 8 regional sessions of the technical investigative course with a projected capacity of no less than 20 students.
- Design, support, and deliver at least four town meetings. (OJJDP anticipates centering these activities around existing ICAC Task Force jurisdictions.)
- Facilitate eight ICAC Task Force Board meetings. Although transportation and lodging expenses of Board members will be the responsibility of individual ICAC Task Forces, all other activities or expenses associated with Board meetings will be the responsibility of the applicant. This includes, but is not limited to, identifying and securing meeting space, providing onsite support, communicating with Board members regarding meeting arrangements, arranging for audiovisual equipment as necessary, and reimbursing travel and lodging expenses of guest speakers (no more than two per meeting).
- Perform a technical assistance function ranging from telephone consultation to direct onsite support, using a cadre of expert practitioners. At the direction of OJJDP, technical assistance will be provided to assist ICAC Task Forces to comply with the Standards, assist the Board to formulate and document operational by-laws for the Program, and based on the availability of funds, assist other jurisdictions interested in improving their response to ICAC offenses.

Format

The narrative must not exceed 35 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper in a standard 12-point font. These requirements are necessary to maintain fair and uniform standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

The project will be funded as a cooperative agreement for up to an 18-month budget and project period. Funding of the project in subsequent budget periods will be contingent upon OJJDP's assessment of continuing need, availability of funds, and the performance of the grantee.

Award Amount

OJJDP intends to award one cooperative agreement of up to $400,000 for an 18-month project period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.543. This form is included in OJJDP's Application Kit, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to puborder@ncjrs.org. The kit is also available online at www.ojjdp.ncjrs.org/grants/about.html#kit.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice is requesting

applicants to provide information on the following: (1) active Federal grant award(s) supporting this or related efforts, including awards from the U.S. Department of Justice; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

''Related efforts'' is defined for these purposes as one of the following:

- Efforts for the same purpose (i.e., the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
- Another phase or component of the same program or project (e.g., to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
- Services of some kind (e.g., technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. *Note: In the lower left-hand corner of the envelope, the applicant must clearly write ''Internet Crimes Against Children Task Force Training and Technical Assistance Program.''*

Due Date

Applicants are responsible for ensuring that the original and five copies of the application package are received by 5 p.m. EDT on October 1, 1999.

Contact

For further information, call Michael Medaris, Program Manager, ICAC Task Force Program Manager, 202–616–3637, or send an e-mail inquiry to medarism@ojp.usdoj.gov.

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Dated: August 11, 1999.

John J. Wilson,

Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 99–21228 Filed 8–16–99; 8:45 am]

BILLING CODE 4410–18–P

Federal Register

Tuesday
August 17, 1999

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Airspace and Flight Operations Requirements for the Kodak Albuquerque International Balloon Fiesta; Albuquerque, NM; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 29279; SFAR No. 86]

RIN 2120–AG79

Airspace and Flight Operations Requirements for the Kodak Albuquerque International Balloon Fiesta; Albuquerque, NN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a temporary flight restriction (TFR) area for the periods of October 2 through October 10, 1999, and October 7 through October 15, 2000, for the 1999 and 2000 Kodak Albuquerque International Balloon Fiestas (KAIBF). This TFR is necessary to manage aircraft operating in the vicinity of the KAIBF, and to prevent unsafe congestion of aircraft that are sightseeing over and around the KAIBF.

DATES: Effective date for 1999: October 2 through October 10, 1999; effective date for 2000: October 7 through October 15, 2000.

FOR FURTHER INFORMATION CONTACT: Steve Rohring, 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:

Availability of Final Rules

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339), the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512–1661), or, if applicable, the FAA's Aviation Rulemaking Advisory Committee bulletin board service (telephone: (800) 322–2722 or (202) 267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the SFAR number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplies by a small entity.

If your organization is a small entity and you have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analysis Staff, Office of Rulemaking, ARM–27, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (888) 551–1594. Internet users can find additional information on SBREFA in the ''Quick Jump'' section of the FAA's web page at http://www.faa.gov and may send electronic inquiries to the following Internet address: 9–AWA–SBREFA@faa.gov.

Background

The KAIBF will be held on October 2 through October 10, 1999, and the following year on October 7 through October 15, 2000, at a site 9 miles north of Albuquerque International Sunport, in Albuquerque, NM.

This Special Federal Aviation Regulations (SFAR) establishes a TFR area to provide for the safety of persons and property in the air and on the ground during the KAIBF. The TFR are will restrict aircraft operations in a specified location; however, access to this area maybe allowed with the appropriate air traffic control (ATC) authorization from the Albuquerque International Sunport Airport Traffic Control Tower (ATCT). ATC will retain the ability to manage aircraft through the TFR area in accordance with established ATC procedures.

Specifically, the TFR area will be 9 miles north of the Albuquerque International Sunport ATCT and just west of Interstate Highway 25 (I–25). The TFR area will be centered on the Albuquerque Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) 038° radical 14 distance measuring equipment (DME) fix. The are will encompass a 4 nautical mile (NM) radius, extending from the surface up to but not including 8,000 feet mean sea level (MSL). The TFR area will be in effect between the hours of 0530 Mountain Daylight Time (MDT) and 1200 MDT, and from 1600 MDT until 2200 MDT on October 2 through October 10, 1999, and October 7 through October 15, 2000. Unauthorized aircraft will be required to remain clear of this area during these times.

The location, dimensions, and effective times of the TFR area will be published and disseminated via the Notice to Airmen (NOTAM) system.

Exceptions

This SFAR contains provisions to provide for flexible, efficient management and control of air traffic. ATC has the authority to give priority to, or exclude from the requirements of the SFAR, certain flight operations dealing with or containing personnel or equipment for essential military, medical emergency, rescue, or law enforcement purposes, and transportation of the President, or heads of state.

Notice to Airmen Information

Time-critical aeronautical information that is of a temporary nature, or is not sufficiently known in advance to permit publication on aeronautical charts or in other operational publications, receives immediate dissemination via the NOTAM system. All domestic operators planning flight to the KAIBF will need to pay particular attention to NOTAM D and Flight Data Center (FDC) NOTAM information.

NOTAM D contains information on airports, runways, navigational aids, radar services, and other information essential to flight. An FDC NOTAM contains information that is regulatory in nature, such as amendments to aeronautical charts and restrictions to flight. FDC NOTAM and NOTAM D information will also be provided to international operators in the form of International NOTAMs. NOTAMs are distributed through the National Communications Center is Kansas city, MO, for transmission to all air traffic facilities having telecommunications access.

Pilots and operators will need to consult the monthly NOTAM Domestic/International publication. This publication contains NOTAM FDC and D NOTAMs. Special information, including graphics, will be published in the biweekly publication in advance of the KAIBF. For more detailed information concerning the NOTAM

system, refer to the Aeronautical Information Manual ''Preflight'' section.

Other U.S. Laws and Regulations

Aircraft operators should understand that the SFAR is in addition to other laws and regulations of the U.S. The SFAR will not waive or supersede any U.S. statute or obligation. When operating within the jurisdictional limits of the U.S., operators of foreign aircraft must conform to all applicable requirements of U.S. Federal, State, and local governments. In particular, aircraft operators planning flights into the U.S. must be aware of and conform to the rules and regulations established by the:

1. U.S. Department of Transportation regarding flights entering the U.S.;
2. U.S. Customs Service, Immigration and other authorities regarding customs, immigrations, health, firearms, and imports/exports;
3. U.S. FAA regarding flight within or into U.S. airspace. This includes compliance with Parts 91, 121 and 135 of Title 14 of the code of Federal Regulations regarding operations into or within the U.S. through air defense identification zones, and compliance with general flight rules; and,
4. Airport management authorities regarding use of airports and airport facilities.

Discussion of Comments

A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on May 18, 1999 (64 FR 27160) and a correction was published on May 28, 1999 (64 FR 28945). No comments were received regarding this proposal. Except for minor editorial changes, this amendment is adopted as proposed in the NPRM.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no requirements for information collection associated with this final rule.

Compatibility With ICAO Standards

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget (OMB) directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule is not ''a significant regulatory action'' under section 3(f) of Executive Order 12866 and, therefore, is not subject to review by OMB. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034, February 26, 1979). This rule will not have a significant impact on a substantial number of small entities and will not constitute a barrier to international trade.

This regulatory evaluation examined the costs and benefits of the SFAR applicable for the periods October 2 through October 10, 1999, and October 7 through October 15, 2000. This SFAR establishes a TFR area for the 1999 and 2000 KAIBFs to be held in Albuquerque, NM. Since the impacts of the change are relatively minor, this economic summary constitutes the analysis, and no regulatory evaluation will be placed in the docket.

The major economic impact, in this case, will be the inconvenience of circumnavigation to operators who may want to operate in the area of the TFR. An aircraft operator could avoid the restricted airspace by flying over it or by circumnavigating the restricted airspace. Because the possibility of such occurrences is for a limited time and the restricted areas are limited in size, any circumnavigation costs will be negligible.

The benefits of the TFR airspace will primarily be a lowered risk of midair collisions between aircraft and balloons due to increased positive control of TFR airspace. While benefits cannot be quantified, the FAA believes the benefits are commensurate with the small costs attributed to the temporary inconvenience of the flight restrictions for operators near the TFR area.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance, that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of businesses, organizations, and governmental jurisdictions subject to regulations.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination and the reasoning should be clear.

The FAA conducted the required review of this final rule and determined that it will not have a significant economic impact on a substantial number of small entities. As previously stated, the major economic impact, in this case, will be the inconvenience of circumnavigation to operators who may want to operate in the area of the TFR. Because the possibility of such occurrences is for a limited time and the restricted areas are limited in size, any circumnavigation costs will be negligible.

Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The provisions of this rule will have little or no impact on trade for U.S. firms doing business in foreign countries and foreign firms doing business in the United States.

Federalism Implications

The regulations herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule will not have sufficient federalism implications

to warrant the preparation of a federalism assessment.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified as 2 U.S.C. 1501–1571, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any 1 year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires a Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any 1 year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain a Federal intergovernmental or private sector mandate that exceeds $100 million in any 1 year.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, this rulemaking action qualifies for a categorical exclusion.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airports, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 91 of Title 14, Code of Federal Regulations (14 CFR part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

2. Amend part 91 by adding Special Federal Aviation Regulation No. 86 to read as follows:

SFAR No. 86—Airspace and Flight Operations Requirements for the 1999 and 2000 Kodak Albuquerque International Balloon Fiestas, Albuquerque, NM

1. *General.* (a) Each person shall be familiar with all NOTAMs issued pursuant to this SFAR and all other available information concerning that operation before conducting any operation into or out of an airport or area specified in this SFAR or in NOTAMs pursuant to this SFAR. In addition, each person operating an international flight that will enter the U.S. shall be familiar with any international NOTAMs issued pursuant to this SFAR. NOTAMs are available for inspection at operating FAA air traffic facilities and regional air traffic division offices.

(b) Notwithstanding any provision of the Title 14, Code of Federal Regulations, no person may operate an aircraft contrary to any restriction procedure specified in this SFAR or by the Administrator, or through a NOTAM issued pursuant to this SFAR.

(c) As conditions warrant, the Administrator is authorized to—

(1) Restrict, prohibit, or permit IFR/VFR operations in the temporary flight restricted area designated in this SFAR or in a NOTAM issued pursuant to this SFAR;

(2) Give priority to or exclude the following flights from provisions of this SFAR and NOTAMs issued pursuant to this SFAR:

(i) Essential military.

(ii) Medical and rescue.

(iii) Presidential and Vice Presidential.

(iv) Flights carrying visiting heads of state.

(v) Law enforcement and security.

(vi) Flights authorized by the Director, Air Traffic Service.

(d) For security purposes, the Administrator may issue NOTAMs during the effective period of this SFAR to cancel or modify provisions of this SFAR and NOTAMs issued pursuant to this SFAR if such action is consistent with the safe and efficient use of airspace and the safety and security of persons and property on the ground as affected by air traffic.

2. *Temporary Flight Restriction.* At the following location, flight is restricted during the indicated dates and times: That airspace within a 4 NM radius centered on the Albuquerque VORTAC 038° radial 14 DME fix from the surface up to but not including 8,000 feet MSL unless otherwise authorized by Albuquerque ATCT.

3. *Dates and Times of Designation.* (a) October 2 through October 10, 1999, and October 7 through October 15, 2000, from 0530 MDT until 1200 MDT.

(b) October 2 through October 10, 1999, and October 7 through October 15, 2000, from 1600 MDT until 2200 MDT.

4. *Expiration.* This Special Federal Aviation Regulation expires on October 16, 2000.

Issued in Washington, DC, on August 11, 1999.

Jane F. Garvey,

Administrator.

[FR Doc. 99–21268 Filed 8–16–99; 8:45 am]

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