

Journal of Neuroscience



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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. FV99-984-3 IFR]

Walnuts Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Walnut Marketing Board (Board) for the 1999-2000 and subsequent marketing years from \$0.0133 per kernelweight pound to \$0.0118 per kernelweight pound of walnuts handled. The Board is responsible for local administration of the marketing order which regulates the handling of walnuts grown in California (order). Authorization to assess walnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year began August 1 and ends July 31. The assessment rate decrease is possible because the 1999-2000 assessable poundage is expected to total 252,000,000 kernelweight pounds (almost 30 percent higher than last year). The \$0.0118 per kernelweight pound assessment rate will allow the Board to cover its 1999-2000 expenses. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: October 19, 1999. Comments received by December 17, 1999, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, PO Box 96456, Washington, DC

20090-6456; Fax: (202) 720-5698; or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Diane Purvis, Marketing Assistant, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901; Fax (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, PO Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, PO Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984, both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning August 1, 1999, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule decreases the assessment rate established for the Board for the 1999-2000 and subsequent marketing years from \$0.0133 per kernelweight pound to \$0.0118 per kernelweight pound of walnuts. The assessment rate decrease is possible because the 1999-2000 assessable poundage is expected to total 252,000,000 kernelweight pounds (almost 30 percent higher than last year). The \$0.0118 per kernelweight pound assessment rate will allow the Board to cover its 1999-2000 expenses.

The order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1998-99 and subsequent marketing years, the Board recommended, and the Department approved, an assessment rate of \$0.0133 per kernelweight pound of walnuts that would continue in effect from marketing year to marketing year unless modified, suspended, or terminated by the Secretary upon recommendation and

information submitted by the Board or other information available to the Secretary.

The Board met on September 10, 1999, and unanimously recommended 1999–2000 expenditures of \$2,967,356 and an assessment rate of \$0.0118 per kernelweight pound of walnuts. In comparison, last year's budgeted expenditures were \$2,620,274. The assessment rate of \$0.0118 is \$0.0015 lower than the rate currently in effect. The lower assessment rate was recommended because this year's crop is estimated by the California Agricultural Statistics Service (CASS) to be the largest on record at 280,000 tons. The Board estimates that about 252,000,000 kernelweight pounds of the crop will be certified as merchantable and thus be subject to assessments. The recommended assessment rate should allow the Board to more than cover its expected expenses for 1999–2000.

The major expenditures recommended by the Board for the 1999–2000 year include \$2,413,038 for marketing and production research expenses, \$289,709 for general expenses, \$179,809 for office expenses, \$59,800 for a production research director, and \$25,000 as a contingency. Budgeted expenses for these items in 1998–99 were \$2,115,016 for marketing and production research expenses, \$246,643 for general expenses, \$163,815 for office expenses, \$59,800 for a production research director, and \$35,000 as a contingency, respectively.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected merchantable certifications of California walnuts. Walnut shipments for the year are estimated at about 252,000,000 kernelweight pounds which should provide \$2,973,600 in assessment income. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69). The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other available information.

Although this assessment rate is effective for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or the

Department. Board meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 1999–2000 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

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

There are approximately 5,000 producers of walnuts in the production area and approximately 48 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000.

During the 1997–98 marketing year, as a percentage, about 33 percent of the handlers shipped over 2.4 million kernelweight pounds of walnuts and 67 percent of the handlers shipped under 2.4 million kernelweight pounds. Using an average f.o.b. price of \$2.10 per kernelweight pound, the majority of California walnut handlers may be classified as small entities.

This rule decreases the assessment rate established for the Board and collected from handlers for the 1999–2000 and subsequent marketing years from \$0.0133 per kernelweight pound to \$0.0118 per kernelweight pound of walnuts. The Board unanimously recommended 1999–2000 expenditures of \$2,967,356 and an assessment rate of \$0.0118 per kernelweight pound. The assessment rate of \$0.0118 is \$0.0015 lower than the 1998–99 rate. The quantity of assessable walnuts for the 1999–2000 marketing year is estimated at 252,000,000 kernelweight pounds.

Thus, the \$0.0118 rate should provide \$2,973,600 in assessment income and be adequate to cover this year's expenses. The lower assessment rate was recommended because this year's crop is estimated by the CASS to be the largest on record at 280,000 tons.

The major expenditures recommended by the Board for the 1999–2000 year include \$2,413,038 for marketing and production research expenses, \$289,709 for general expenses, \$179,809 for office expenses, \$59,800 for a production research director, and \$25,000 as a contingency. Budgeted expenses for these items in 1998–99 were \$2,115,016 for marketing and production research expenses, \$246,643 for general expenses, \$163,815 for office expenses, \$59,800 for a production research director, and \$35,000 as a contingency, respectively.

The Board reviewed and unanimously recommended 1999–2000 expenditures of \$2,967,356 which included increases in administrative and office expenses and research programs. Prior to arriving at this budget, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, the Research Committee, and the Market Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. The Board also considered alternative assessment rates of \$0.0120 and \$0.0123 per kernelweight pound in case the crop and amount of assessable walnuts are underestimated. However, the Board ultimately derived the rate of \$0.0118 per kernelweight pound of assessable walnuts by dividing the total recommended budget by the 252,000,000 kernelweight pound estimate of assessable walnuts for the 1999–2000 marketing year.

A review of historical information and preliminary information pertaining to the upcoming marketing year indicates that the grower price for the 1999–2000 season should average about \$0.65 per kernelweight pound of walnuts. Therefore, the estimated assessment revenue for the 1999–2000 marketing year as a percentage of total grower revenue should be less than 2 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Board's meeting was widely publicized throughout the California walnut industry and all interested

persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the September 10, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1999–2000 marketing year began on August 1, 1999, and the order requires that the rate of assessment for each marketing year apply to all assessable walnuts handled during such marketing year; (2) this action decreases the assessment rate for assessable walnuts beginning with the 1999–2000 marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after August 1, 1999, an assessment rate of \$0.0118 per kernelweight pound is established for California merchantable walnuts.

Dated: October 12, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–27133 Filed 10–15–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 997, 998, and 999

[Docket Nos. FV99–997–2 IFR, FV99–998–1 IFR, and FV99–999–1 IFR]

Domestically Produced and Imported Peanuts; Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule changes the outgoing quality control requirements currently prescribed under Marketing Agreement No. 146 (Agreement). The Agreement regulates the handling of peanuts grown in 16 States and is administered locally by the Peanut Administrative Committee (Committee). This rule relaxes the allowance for foreign material to .20 percent from .10 percent in the three “with splits” edible grade categories to make them consistent with the other seven edible grade categories, as unanimously recommended by the Committee. The same change applies to peanuts handled by handlers who have not signed the Agreement, and to imported peanuts.

DATES: Effective October 21, 1999; comments received by December 17,

1999 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, PO Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698; or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket numbers and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Jim Wendland, Marketing Specialist, DC Marketing Field Office, or George Kelhart, Technical Advisor, both of the Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, PO Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation from Jay Guerber, at the same address as above, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 146 (Agreement) (7 CFR part 998), regulating the handling of peanuts grown in 16 States. The Agreement is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Act) (7 U.S.C. 601–674). Also, subparagraph (f)(2) of section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c3) and section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271) provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. This has been implemented through regulations governing peanuts handled by persons not subject to the Agreement (non-signers program) (7 CFR part 997) and regulations governing imports of peanuts (peanut import regulation) (7 CFR part 999). Thus, the Agreement and the non-signers regulations regulate the quality of domestically produced peanuts and the peanut import regulations regulate the quality of imported peanuts.

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to

have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The outgoing quality requirements under the Agreement were changed in August 1998, as unanimously recommended by the Peanut Administrative Committee (Committee). The Committee is responsible for local administration of Marketing Agreement No. 146's quality assurance program in the 16-State peanut production area. The four basic varieties of peanuts produced domestically are: Runners, which account for about 75 percent of total U.S. production; Virginias, which have the largest kernels; Spanish, which have smaller kernels but higher oil content; and Valencias, which are very sweet and are grown mostly in New Mexico. Each of the grades may be certified "with splits" (where the two halves have come apart) provided all applicable quality requirements are met. A Sound Split and Broken Kernels tolerance of 15 percent is allowed, of which not more than 3 percent will pass thru a prescribed screen.

At its April 30, 1997, meeting the Committee unanimously recommended that for the 1997 and subsequent crop years the outgoing quality regulation and the terms and conditions of indemnification be amended to provide that all lots of edible quality peanuts be eligible for indemnification. This recommendation was adopted. Prior to 1997 only edible quality peanuts meeting specifications applicable to indemnifiable grades were eligible for indemnification. Basically, this indemnification program insured that if a handler's milled peanuts had met the Agreement's requirements when shipped but were later found to be out of compliance, the Committee would provide reimbursement to the handler for those peanuts if a valid claim was submitted.

This modification to § 998.200 (a) of the Agreement removed Table (2) INDEMNIFIABLE GRADES from the Agreement (63 FR 2846; January 16, 1998). The modification inadvertently eliminated the specifications applicable to all nine of the INDEMNIFIABLE GRADE CATEGORIES. The Committee's intent was to cause all edible grade categories of peanuts to be eligible for indemnification benefits, not to eliminate any grade specifications. The Committee therefore unanimously recommended incorporating the last three categories of Table 2—Runner

with splits, Virginia with splits, and Spanish and Valencia with splits—into Table 1 which had been retained in § 998.200. That recommendation was finalized and published in the August 23, 1998, issue of the **Federal Register** (63 FR 41323).

However, at that time, the Committee inadvertently did not include a request for modification of the tolerance for foreign material in the three categories which were moved. The foreign material allowance in the three moved categories was .10 percent in the old Table 2. Therefore, these three moved categories were not consistent with the foreign material allowance of the other seven edible peanut categories already listed in the MAXIMUM LIMITATIONS table in § 998.200 of the Agreement. Retaining different allowances would only cause confusion in the industry. Therefore, in order to eliminate any confusion and correct the situation, the Committee unanimously recommended at its March 18, 1999, public meeting to request an increase in the allowance for the three "with splits" categories to .20 percent. This would make all 10 edible peanut categories consistent. This rule implements that recommendation.

The Agricultural Act of 1949 and the Federal Agriculture Improvement and Reform Act of 1996 provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. Thus, this action applies to Agreement signer and non-signer handlers, and peanut importers for the remainder of the crop year ending June 30, 2000, and subsequent crop years.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. There are approximately 36 peanut handlers and 15 importers who are subject to regulation under the Agreement, the non-signers program, or the peanut import regulation, and approximately 23,000 commercial peanut producers in the 16-State production area. Small agricultural service firms, which include handlers and importers, are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having

annual receipts of less than \$500,000. Approximately 25 percent of the signatory handlers, less than one-third of the importers, virtually all of the non-signer handlers, and most of the producers may be classified as small entities. In addition, based on the 1998 marketing year average price received by farmers of 25.5¢ per pound times approximately 3.96 billion pounds production results in the value of domestic production totaled about \$1.01 billion. Dividing this by approximately 23,000 producers results in an average annual producer revenue of approximately \$44,000. Regarding peanut importers, approximately 15 business entities imported peanuts during the 1998 import quota period beginning January 1, 1998, for Mexico, and April 1, 1998, for Argentina and "other countries" and both ending 12 months later. They appear to cover a broad range of business entities, including fresh and processed food handlers, and both large and small commodity brokers who buy agricultural products on behalf of others. The majority of peanut importers are believed to be large business entities with annual receipts of over \$5,000,000. AMS is not aware of any peanut producers (farmers) who imported peanuts during that quota period. In view of the foregoing, it can be concluded that the majority of peanut handlers, and producers may be classified as small entities, but not the importers.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule changes the outgoing quality regulation by increasing the allowance for foreign material in the three edible categories of peanuts "with splits" to .20 percent from .10 percent, to make the allowance for all 10 edible grade categories consistent. The three edible categories are Runner with splits, Virginia with splits, and Spanish and Valencia with splits.

The Agricultural Act of 1949 and the Federal Agriculture Improvement and Reform Act of 1996 provide that the Secretary of Agriculture shall require that all peanuts in the domestic and export markets fully comply with all quality requirements under the Agreement. Thus, this action applies to Agreement signer and non-signer handlers, and peanut importers for the

remainder of the crop year ending June 30, 2000, and subsequent crop years.

The Committee discussed alternatives to this rule, including making no change, but unanimously concluded that such alternatives would not be in the best interests of the industry.

This action relaxes the outgoing quality regulations imposed on all domestic peanut handlers and importers. It is applied uniformly on all peanut handlers and importers, and should tend to reduce their costs slightly since less lots will likely have to be remilled to meet outgoing quality requirements. Also, this relaxation may slightly reduce any reporting and recordkeeping burden on regulated persons. As with all Federal marketing agreement and order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meetings were widely publicized throughout the peanut industry and all interested persons were invited to attend the meetings and participate in deliberations on all issues. Like all Committee meetings, the February 2, 1999, and March 18, 1999, meetings were public meetings and all entities, both large and small, were able to express views on this issue. The Committee itself consists of 18 members of whom 9 represent handlers and 9 represent producers. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on a change to the outgoing quality control requirements currently prescribed under the Agreement, the Non-signers Program and the Import Regulation. Any comments received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**

because: (1) This action relaxes the foreign material allowance for the three "with splits" categories of peanuts; (2) harvesting of the 1999-2000 crop year domestic peanuts is already underway and the rule should cover as much of the remainder of the crop year ending June 30, 2000, as possible; (3) all peanuts in the domestic and export markets must fully comply with all quality requirements under the Agreement; (4) the changes need to be effective before the 2000 Mexican peanut import quota opens January 3, 2000, so that all peanut importers are treated equally during 2000, as required by international trade agreements; (5) many signatory handlers, importers, and others in the industry are aware of this action, which was unanimously recommended by the Committee at a public meeting and interested parties had an opportunity to provide input; and (6) this interim final rule provides a 60-day comment period, and all written comments timely received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 999

Dates, Food grades and standards, Hazelnuts, Imports, Nuts, Peanuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR parts 997, 998, and 999 are amended as follows:

1. The authority citation for 7 CFR parts 997, 998, and 999 continues to read as follows:

Authority: 7 U.S.C. 601-674, 7 U.S.C. 1445c-3, and 7 U.S.C. 7271.

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO MARKETING AGREEMENT NO. 146

2. In § 997.30, the "MAXIMUM LIMITATIONS" table is amended in the first column "Type and grade category", for the entries "Runner with splits * * *", "Virginia with splits * * *", and "Spanish and Valencia with splits" * * *, in the seventh column "Foreign materials (percent)", by removing the

number ".10" and adding ".20" in its place.

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

3. In § 998.200, the "MAXIMUM LIMITATIONS" table is amended in the first column, "Type and grade category", for the entries "Runner with splits * * *", "Virginia with splits * * *", and "Spanish and Valencia with splits" * * *, in the seventh column "Foreign materials (percent)", by removing the number ".10" and adding ".20" in its place.

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

4. In § 999.600, the "MINIMUM GRADE REQUIREMENTS—PEANUTS FOR HUMAN CONSUMPTION" table is amended in the first column, "Type and grade category", for the entries "Runner with splits * * *", "Virginia with splits * * *", and "Spanish and Valencia with splits" * * *, in the seventh column "Foreign materials" by removing the number ".10%" and adding ".20%" in its place.

Dated: October 12, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99-27134 Filed 10-15-99; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE

8 CFR Part 3

[EOIR No. 122F; AG Order No. 2263-99]

RIN 1125-AA22

Executive Office for Immigration Review; Board of Immigration Appeals: Streamlining

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule establishes a streamlined appellate review procedure for the Board of Immigration Appeals. The final rule responds to an enormous and unprecedented increase in the caseload of the Board. The rule recognizes that in a significant number of appeals and motions filed with the Board, a single appellate adjudicator can reliably determine that the result reached by the adjudicator below is correct and should not be changed on appeal. In these cases, the rule authorizes a single permanent Board Member to review the record and affirm

the result reached below without issuing an opinion. This procedure will enable the Board to render decisions in a more timely manner, while concentrating its resources primarily on cases where there is a reasonable possibility that the result below was incorrect, or where a new or significant issue is presented. In addition, the rule provides that a single Board Member may decide certain additional types of cases, motions, or other procedural or ministerial appeals, where the result is clearly dictated by statute, regulation, or precedential decision.

EFFECTIVE DATE: This rule is effective on October 18, 1999.

SUPPLEMENTARY INFORMATION:

Background

The mission of the Board of Immigration Appeals is to provide fair and timely immigration adjudications and authoritative guidance and uniformity in the interpretation of the immigration laws. Rapid growth in the Board's caseload has severely challenged the Board's ability to accomplish its mission and requires the adoption of new case management techniques.

In 1984, the Board received fewer than 3,000 new appeals and motions. In 1994, it received more than 14,000 new appeals and motions. In 1998, in excess of 28,000 new appeals and motions were filed. There is no reason to believe that the number of matters filed with the Board will decrease in the foreseeable future, especially as the number of Immigration Judges continues to increase.

As the number of appellate filings has increased, the need for the Board to provide guidance and uniformity to the Immigration Judges, the Immigration and Naturalization Service, affected individuals, the immigration bar, and the general public, has grown. The Board now reviews the decisions of more than 200 Immigration Judges. There were, in comparison, 69 Immigration Judges in 1990 and 86 Judges in 1994. Frequent and significant changes in the complex immigration laws over the last several years, including a major overhaul of those laws in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, heighten the need for the Board's authoritative guidance in the immigration area, particularly in view of the fact that the 1996 legislation drastically reduced aliens' rights to judicial review.

To meet its overriding objective of providing fairness in adjudicating appeals, the Board must achieve four

goals. It must: (1) Promote uniformity in dispositions by Immigration Judges by providing authoritative guidance in high quality appellate decisions; (2) decide all incoming cases in a timely and fair manner; (3) assure that individual cases are decided correctly; and (4) eliminate its backlog of cases.

To accomplish these goals under current conditions, the Board must limit its use of three-Member panels to cases where there is a reasonable possibility of reversible error in the result below. The Department published a proposed rule on September 14, 1998, at 63 FR 49043 (Sept. 14, 1998), with written comments due by November 13, 1998. The proposed rule included a new provision, now designated as 8 CFR 3.1(a)(7),¹ designed to allow single permanent Board Members, selected by the Board Chairman, to affirm the results reached below without an opinion where (1) the result reached in the decision under review was correct; (2) any errors in the decision under review were harmless or nonmaterial; and (3) either (a) the issue on appeal was squarely controlled by existing Board or federal court precedent and did not involve the application of such precedent to a novel fact situation; or (b) the factual and legal questions raised on appeal were so insubstantial that three-Member review was not warranted.

Under the proposed rule, if the single permanent Board Member found the case to be appropriate for affirmance without opinion, that Board Member would sign a simple order to that effect, without additional explanation or reasoning. If the Board Member found affirmance without opinion to be inappropriate, the case would be assigned to a three-Member panel for review and decision. Thus, the proposed rule described an affirmance without opinion as a determination that the result reached below was correct and that the case did not warrant three-Member review. The proposed rule also authorized three-Member panels to affirm without opinion, where such a disposition was determined to be appropriate.

The proposed rule at 8 CFR 3.1(a)(5) (now 8 CFR 3.1(a)(7)) also included provisions that would authorize the Chairman to designate certain categories of cases as suitable for affirmance without opinion by a single permanent Board Member or by a three-Member panel. These categories could include, but would not be limited to, the

following: (1) Cases challenging findings of fact where the findings below are not against the weight of the evidence; (2) cases controlled by precedents of the Board where there is no basis for overruling the precedent, or by precedents of the relevant United States Court of Appeals, or the United States Supreme Court; (3) cases seeking discretionary relief for which the appellant is clearly ineligible; (4) cases challenging discretionary decisions where the decision maker has neither applied the wrong criteria nor deviated from precedents of the Board or the controlling law from the United States Court of Appeals or the United States Supreme Court; and (5) cases challenging only procedural rulings or deficiencies that are not material to the outcome of the case.

The proposed rule also contained provisions that would authorize the Chairman to designate the permanent Board Members who would be authorized to affirm cases without opinion.

The proposed rule also suggested amendments to the regulation regarding motions to reconsider. Under proposed 8 CFR 3.2(b)(3), a motion to reconsider based solely on an argument that the case should not have been summarily affirmed—would be barred. Otherwise, the standard motions to reconsider and/or reopen are allowed, but are subject to all the regular requirements and restrictions regarding motions, including the time and number limitations.

In addition to describing a new procedure for affirmance without opinion by a single Board Member, the proposed rule also included provisions that would empower a single Board Member or the Chief Attorney Examiner to rule on certain dispositive motions or to issue other orders disposing of appeals on procedural or ministerial grounds. Presently, the regulations allow a single Board Member to adjudicate unopposed motions or motions to withdraw an appeal. See 8 CFR 3.1(a). The proposed rule identified additional categories of cases that were deemed suitable for disposition by a single Board Member. Unlike the one-line affirmances by single Board Members that the proposed rule would authorize, these dispositions generally would not affirm a result below. Rather, in these cases, a single fact, easily identified in the record of proceedings, dictates the result through a straightforward, nondiscretionary application of a statute, a regulation, or a controlling precedent. Dispositions under this procedure are separate and

¹This new provision was cited in the proposed rule as 8 CFR 3.1(a)(5). Due to intervening changes in 8 CFR 3.1(a), it is now designated as 8 CFR 3.1(a)(7).

distinct from affirmances without opinions.

Under § 3.1(a)(1) of the proposed rule, a single Board Member would be authorized to issue orders (1) remanding an appeal from the denial of a visa petition where the Regional Service Center Director requests a remand for further consideration of the appellant's arguments or evidence raised on appeal; (2) remanding to correct for a defective or missing transcript; and (3) disposing of other procedural or ministerial matters designated by the Chairman (possible examples might include dismissal of an appeal as moot where the alien has since become a lawful permanent resident).

The proposed rule also set forth proposed amendments to the regulation regarding summary dismissals of appeals. This regulation, presently codified at 8 CFR 3.1(d)(1-a), generally provides for dismissals on grounds that do not go to the underlying merits of a case. The proposed revisions to this provision, redesignated as § 3.1(d)(2), would add to the existing rule's listing of the types of cases that are appropriate for summary dismissal, authorize a single Board Member to dispose of such cases, and empower the Chairman to designate who from among the Board Members may exercise this authority. Summary dismissal under proposed section 3.1(d)(2) would be separate and distinct from affirmance without opinion.

The proposed rule also would augment existing grounds for summary dismissals, authorizing dismissal of (1) cases in which the appeal or motion does not fall within the Board's jurisdiction; (2) cases in which jurisdiction over a motion lies with the Immigration Judge rather than with the Board; (3) untimely appeals and motions; and (4) cases in which it is clear that the right of appeal was affirmatively waived.

Comments

In response to the proposed rule, the Department received 24 comments pertaining to the proposed summary affirmance procedures. Because a number of these comments overlap or endorse the submissions of other commenters, the comments are addressed by topic rather than individually. Before describing the comments and the Department's responses, it is important to mention two changes that the Department has decided to make to the proposed rule for reasons not presented in the comments.

First, although the Department did not receive any comments criticizing our proposal to change the summary

dismissal regulation, we have determined that an additional change is warranted. In particular, current 8 CFR 3.1(d)(1-a)(i)(D) will be deleted to avoid confusion in light of the new summary affirmance procedure. Current § 3.1(d)(1-a)(i)(D) allows summary dismissal when, "[t]he Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in law or fact unless the Board determines that it is supported by a good faith argument for extension, modification or reversal of existing law." This summary dismissal authority is virtually never used by the Board, and retaining it could lead to confusion concerning the relationship between this provision and the new summary affirmance procedure. Accordingly, this part of the existing summary dismissal regulation will be deleted.

A second change that was not advocated by any commenter concerns the proposed rule's references to the Chief Attorney Examiner. Because that position was eliminated after publication of the proposed rule, references to the Chief Attorney Examiner will be eliminated from the final rule.

The Department has also concluded, in the course of preparing this streamlining rule, that the regulations governing BIA procedures have become unduly complex and that a complete reorganization of part 3 of 8 CFR is needed. The Executive Office for Immigration Review is presently working on such a reorganization. This final rule is being published in advance of that reorganization because of the overriding need to implement the streamlining procedures.

Single Board Member Summary Affirmance Without Opinion

Comments: Twenty-three commenters objected to the proposal to allow a single permanent Board Member to affirm the result reached below by issuing a form, one-line affirmance order. Most of the commenters recognized the difficulties the Board faces in managing its expanding caseload, and several offered alternatives for accomplishing that task. However, the commenters uniformly stated that an appellate body such as the Board should meaningfully address the issues before it by providing reasons for its decisions. A number of the commenters cited *Mathews v. Eldridge*, 424 U.S. 319 (1976), as support for their contention that the Due Process Clause of the Fifth Amendment requires the Board to provide a rationale for its

decisions. Some pointed out that several courts of appeals have criticized the Board when it did not provide an adequate rationale, suggesting that the proposed rule could therefore be struck down in court. Some suggested that, given the Board's caseload, there would be a temptation to avoid detailed review or consideration of complex issues.

Response and Disposition: The Department has carefully considered the comments regarding the proposal to allow one permanent Board Member to affirm a decision by issuing a one-line form order, and has decided to retain the regulation as proposed. To operate effectively in an environment where over 28,000 appeals and motions are filed yearly, the Board must have discretion over the methods by which it handles its cases. The process of screening, assigning, tracking, drafting, revising, and circulating cases is extremely time consuming. Even in routine cases in which all Panel Members agree that the result reached below was correct, disagreements concerning the rationale or style of a draft decision can require significant time to resolve. The Department has determined that the Board's resources are better spent on cases where there is a reasonable possibility of reversible error in the result reached below.

Appellants have a right to a reasoned administrative decision. In cases that are adjudicated by one Board Member, that right will be protected by a written decision by the Immigration Judge or the INS Director and a determination by the Board that the result below is correct. A permanent Board Member will review and consider every case. The decision rendered below will be the final agency decision for judicial review purposes. Under this new system of streamlined review, complex and significant cases will not be avoided, nor will they be adjudicated by one Board Member. Rather, they will be given additional time and consideration by three-Member panels of the Board. The most important of the three-Member panel cases may receive en banc review (either full or limited) by the Board.

The streamlined review process that the Board will follow is different from the "leave to appeal" and certiorari systems that some appellate courts and administrative tribunals use to control their dockets. These systems often look to a variety of factors apart from whether the decision for which appellate review is sought reached a correct result. In contrast, the summary affirmance system that the Department is adopting will continue to focus on the importance of correct results, even in

cases that do not present significant legal or factual issues or a question requiring guidance from the Board. The summary affirmance system represents a careful balancing of the need to ensure correct results in individual cases with the efficiencies necessary to maintain a viable appellate organization that handles an extraordinarily large caseload. The streamlining system will allow the Board to manage its caseload in a more timely manner while permitting it to continue providing nationwide guidance through published precedents in complex cases involving significant legal issues.

In *Mathews v. Eldridge*, *supra*, the Supreme Court held that due process is a flexible concept and identified three factors that agencies and courts must consider in determining the administrative procedures that due process requires in a particular setting. Those factors are, "[f]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 334-35.

In the case of immigration proceedings, the private interests at stake are undoubtedly very weighty, as many commenters have pointed out. However, the Department believes that the risk of erroneous decisions resulting from the streamlining of Board procedures is minimal. Most appellants will already have had a full evidentiary hearing before an Immigration Judge; some will have had their cases considered by an INS Director. The case will then be considered on its merits by a permanent Member of the Board. If that Board Member finds a reasonable possibility that the result reached below was incorrect, the case will be referred to a three-Member Panel, and a written decision will be provided. Only if the permanent Board Member determines, after review of the appeal, that the regulatory criteria are satisfied and, consequently, that there is no reasonable possibility that the result below was incorrect, will he or she issue a one-line, form order affirmance. The Department believes that appellants' rights are protected by these procedures.

Finally, as noted earlier, the Government's interests are also significant here. The number of appeals filed with the Board in recent years has exceeded the Board's capacity to give

meaningful, three-Member consideration to each appeal, and to issue written decisions in every case. The summary affirmance process is a reasonable response to the current situation, because it allows the Board to concentrate its resources on cases where there is a reasonable possibility of reversal, or where a significant issue is raised in the appeal, while still providing assurances that correct results are achieved in all cases under the Board's appellate jurisdiction.

The Department is aware of one federal appeals court decision indicating that due process requires the Board to state reasons for its decisions. See *De la Llana-Castellon v. INS*, 16 F.3d 1093, 1098 (10th Cir. 1994) (due process "requires that the decisionmaker actually consider the evidence and argument that a party presents"). In addition, several other appeals court decisions have struck down, on statutory grounds, Board decisions that were found to have lacked adequate explanations of the Board's reasoning. See, e.g., *Velerde v. INS*, 140 F.3d 1305, 1310-11 (9th Cir. 1998) (BIA abused its discretion by failing to provide reasoned basis for its decision); *Sanon v. INS*, 52 F.3d 648, 651 (7th Cir. 1995) (in reviewing BIA denials of asylum requests, court requires "some proof that the Board has exercised its expertise in hearing a case."); *Turri v. INS*, 997 F.2d 1306, 1308 (10th Cir. 1993) (to survive statutory review, Board decision must contain terms sufficient to demonstrate that the Board heard, considered, and decided the case); *Diaz-Resendez v. INS*, 960 F.2d 493, 495 (5th Cir. 1992) (Board decision will be reversed as arbitrary if it "fails to address meaningfully all material factors").

Notwithstanding these decisions, eight federal courts of appeals have rejected direct challenges to the Board's practice of affirming decisions of Immigration Judges, where appropriate, for the reasons given in those decisions. See *Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (Board's summary affirmance of an Immigration Judge's decision for the reasons given by the Immigration Judge is "not only common practice, but universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) ("[I]f the Board's view is that the Immigration Judge 'got it right,' the law does not demand that the Board go through the idle motions of dressing the Immigration Judge's findings in its own prose."); *Prado-Gonzalez v. INS*, 75 F.3d 631, 632 (11th Cir. 1996); *Urokov v. INS*, 55 F.3d 222, 227-28 (7th Cir. 1995);

Alaelua v. INS, 45 F.3d 1379, 1382 (9th Cir. 1995); *Maashio v. INS*, 45 F.3d 1235, 1238 (8th Cir. 1995); *Panrit v. INS*, 19 F.3d 544, 545-46 (10th Cir. 1994) (distinguishing *Turri v. INS*); *Arango-Aradondo v. INS*, 13 F.3d 610, 613 (2nd Cir. 1994). In addition, two other federal courts of appeals have treated summary affirmance by the BIA as a proper method of disposing of appeals, sustaining such summary affirmances against merits challenges after review of the reasoning set forth in the Immigration Judge decisions that the BIA affirmed. See, e.g., *Gomez-Mejia v. INS*, 56 F.3d 700, 702 (5th Cir. 1995) (court will review the Immigration Judge's decision where the Board affirms without any additional reasoning); *Gandarillas-Zambrana v. BIA*, 44 F.3d 1251, 1255 (4th Cir. 1995) (where the Board relies on the Immigration Judge's decision, the immigration Judge's reasoning will be the sole basis for the court review).

It is therefore well-established that the Board may decline to write a full decision in any given case, and may instead summarily affirm the Immigration Judge's decision. The summary affirmance procedure set forth in this streamlining rule makes clear that a summary affirmance does not necessarily indicate that the Board Member is adopting the Immigration Judge's or Service Officer's decision in its entirety, including all its reasoning; rather, it is a determination by the Board Member, upon review of the record, that the result reached below is correct. For purposes of judicial review, however, the Immigration Judge's decision becomes the decision reviewed.

In addressing any due process concerns, it is also important to point out that due process does not confer a right to appeal, even in criminal prosecutions. See *Ross v. Moffitt*, 417 U.S. 600, 611 (1974) ("[W]hile no one would agree that the State may simply dispense with the trial stage of proceedings without a criminal defendant's consent, it is clear that the State need not provide any appeal at all."); *Griffin v. Illinois*, 351 U.S. 12, 18 (1956) (plurality opinion) (noting that "a State is not required by the Federal Constitution to provide appellate courts or a right to appellate review at all") (citation omitted). Indeed, one federal court has specifically stated that "[t]he Constitution does not entitle aliens to administrative appeals * * *. The Attorney General could dispense with the Board and delegate her power to the immigration judge's, or could give the Board discretion to choose which cases to review." *Guentchev v. INS*, 77 F.3d 1036, 1037 (7th Cir. 1996).

It is true that the power to eliminate appeals does not carry with it the power to maintain a procedurally deficient appellate process. *See, e.g., Evitts v. Lucey*, 469 U.S. 387, 400-05 (1985) (although due process does not require that a state provide any appeal, it does require that a defendant receive effective assistance of counsel on the first appeal as of right, if such an appeal is provided); *Mayer v. Chicago*, 404 U.S. 189, 198 (1971) (if the Government chooses to provide for appeals, an impecunious defendant in a petty offense prosecution "cannot be denied a record of sufficient completeness to permit proper (appellate) consideration of his claims" (internal quotation marks omitted)); see also *M.L.B. v. S.L.J.*, 519 U.S. 102, 117-124 (1996) (state cannot use parent's inability to pay record preparation fees as grounds for denying an appeal in a proceeding that could result in permanent termination of her parental rights). However, the omission of a case-specific statement of reasons for an appellate ruling does not represent a constitutional deficiency in appellate procedure.

In sum, appeals are not constitutionally required, and an endorsement of the result reached by the decision-maker below satisfies any conceivable due process requirement concerning justifications for the decisions made in any appellate process that the government decides to provide. The Department believes it is within the Attorney General's authority to provide for the streamlining of BIA procedures in appropriate cases as described in this final rule.

Single Board Member Adjudication on the Merits

Comments: In addition to objecting to a one-line, form order, most of the 23 commenters objected to allowing a single permanent Board Member to decide appeals on the merits. Commenters noted that appellate review by a single Board Member increases the risk of error resulting from the mistakes or prejudices of one person. Three-Member panels provide both a moderating influence and a check against possible undetected errors. Commenters also feared that review by a single Board Member would compromise consistency and thereby devalue the guidance that the Board provides.

Response and Disposition: After careful consideration, the Department has decided to retain the provision that allows a single Board Member to adjudicate certain routine appeals on the merits. While three-Member review can reduce the risk of error in complex

cases, this process is extremely time and labor intensive and is of significantly less value in routine cases. The Department believes that single-Member review without appellate opinion represents an appropriate means of resolving routine appeals that do not present substantial legal issues or substantial arguments for reversal of the result reached below. The current requirement that three Board Members review such cases results in a serious misallocation of resources in an agency that receives over 28,000 appeals and motions per year. The Department believes that the Board Members' time will be more effectively used if they are able to concentrate on the more significant issues, and on cases where there is a reasonable possibility of reversible error in the result reached below. Authorizing a single permanent Board Member to adjudicate cases where there is no reasonable possibility of reversible error and no significant legal issues are presented will allow this more effective use of Board Member time. Single-Member review and summary affirmance in routine cases will actually preserve the ability of the Board to conduct three-Member review and prepare careful opinions in a significant number of more complex cases.

Single Board Member Adjudications for All Cases

Comments: Two commenters suggested that the Board adopt a system of single Board Member adjudication of most cases, but with reasons given in every case. One of these comments was signed by 52 individuals and organizations. These commenters acknowledged that under current conditions, the Board cannot continue to give full three-Member review to all cases, and further recognized that most cases do not require three-Member review. It was suggested that only a few cases per year would need to be considered by the en banc Board, and that single-Member review of the rest of the cases would be appropriate, so long as the reasons for the decisions were provided, even briefly. Several other commenters also referred to this comment with approval.

Response and Disposition: The Department carefully considered the option of moving to single-Member review of most cases, but has decided not to adopt that option at this time. The Department believes that single-Member review is appropriate in many cases coming before the Board. However, in cases where a significant issue is presented, or where there is a reasonable possibility that the result

below was incorrect, three-Member adjudication is preferable for the reasons discussed above. Three-Member adjudication of such cases also provides an additional check, and provides more guidance to the Immigration Judges, the Service, the bar, and the public.

In addition, a move to single-Member adjudication of nearly all cases would make it more difficult to maintain the consistency of adjudication that the Board attempts to provide. Therefore, the Department has decided to adopt the system as proposed, under which some cases will be adjudicated on the merits by a single Board Member, while those presenting significant issues or a reasonable possibility of a change in the result reached below, will continue to be decided by three-Member panels. Of course, the Board also retains the authority to consider cases under its en banc or limited en banc procedures.

Expand Board To Handle Caseload

Comments: Several commenters noted the recent expansion of the Board and staff. Some questioned why these increases had not been adequate to handle all cases and several suggested that the Board should be further expanded as necessary to deal with current and incoming cases.

Response and Disposition: The Department has carefully considered these comments and has decided against further expansion of the Board at this time. The Attorney General has made significant efforts to aid the Board in handling its burgeoning caseload by increasing its size from 5 to 12 Members in 1995, from 12 to 15 in 1998, and by recently authorizing four additional permanent Board Members, which will bring the total to 19 Board Members. Significant staff increases have accompanied the expansion of the Board.

Board production has increased commensurately with these expansions. For example, in fiscal year 1998, more than 29,000 final dispositions were issued by the Board. However, this figure included some 6000 routine, form dispositions resulting from new legislation, including approximately 5000 cases that the Board remanded following enactment of the Nicaraguan Adjustment and Central American Relief Act. Moreover, while the Board was able to reduce its backlog by 1000 cases in 1998, the pending caseload at the Board is over 47,000 cases. The backlog must be reduced at a greater rate than 1000 cases per year.

Even with Board Member and staff increases, the Board is not currently able to adjudicate its pending caseload, to deal with its entire incoming caseload

on a timely basis, to meaningfully reduce its backlog, to position itself to deal with future increases in caseload, and to provide nationwide guidance through published precedents (most of which are issued by the full en banc Board) in a growing number of complex cases involving application of new statutory and regulatory provisions. Moreover, continued expansion of the Board and its staff would have significant institutional costs in terms of the collegiality of the Board's decision-making process, the uniformity of its decisions, and the administration and supervision of its staff.

Standards for Selecting Cases for Adjudication by a Single Board Member

Comments: Several commenters stated that the proposed rule contained inconsistent formulations of the standard for determining which cases would be adjudicated on the merits by a single Board Member. They pointed out that the Supplementary Information accompanying the proposed rule referred variously to one-Member review in cases where there is no "realistic chance" that three-Member review would change the result below, where the factual and legal questions raised on appeal are "so insubstantial" that three-Member review is not warranted, or where no legal or factual basis for reversal "is apparent." In addition, the Supplementary Information also stated that an affirmance without opinion would not be issued if an appellant made a "substantial argument for reversal." The commenters pointed out that the proposed regulation itself allows single-Member affirmance without opinion where, inter alia, the factual and legal questions raised were "so insubstantial that three-Member review is not warranted." These commenters suggested that the Department adopt a realistic and consistent standard for determining which cases are subject to summary affirmance.

One commenter, responding to the proposed rule's statement that single Board Member review can be appropriate where the issue on appeal is squarely controlled by existing Board or federal court precedent and does not involve the application of such precedent "to a novel fact situation," suggested that virtually every case will present a novel fact situation.

Response and Disposition: The Department agrees that some of the language in the Supplementary Information of the proposed rule could have been clearer. However, the Department also recognizes that any

standard adopted could be attacked as involving a subjective element. The Department believes that use of the three-part test set forth above—requiring determinations that the result below was correct, that any errors were harmless or immaterial, and either that the issues on appeal are controlled by precedent or that the factual or legal questions raised are insubstantial—will ensure that only cases where there is no reasonable possibility of changing the result reached below will be subject to single-Member summary affirmance. Moreover, the Department believes it is reasonable to require an appellant to make a substantial argument that the result reached below should be reversed.

The Department believes that the language regarding a "novel fact situation" requires clarification. The Department notes that while the facts of each case are different, the legally significant facts often fall into recognizable patterns, and that where this occurs, a novel fact situation may not be presented. As just one example, the Attorney General's decision in *Matter of Soriano* held that section 212(c) relief was no longer available to aliens in certain appeals pending before the Board. See *Matter of Soriano*, Op. Att'y Gen. (Feb. 21, 1997), overruling Interim Decision No. 3289 (BIA June 27, 1996) (en banc). That decision made the factual differences in a large number of those cases legally insignificant from the standpoint of the Board's appellate review. Such cases would be appropriate for single-Member affirmance even though each case presented a different set of facts.

Single Board Member Authority To Reverse or Remand

Comments: Several commenters suggested that the proposed rule was biased in favor of the Government because it would allow a single Board Member to affirm by summary decision but not to reverse or remand without referral to a three-Member panel. These commenters stated that in some cases an obvious error may appear that clearly warrants reversal or remand, without the necessity of three-Member review, and the regulation should allow single-Member reversals or remands in such cases.

Response and Disposition: The Department has considered these comments and has decided to retain the regulation as proposed on this point. The cornerstone of the new streamlining procedures is that summary affirmance by a single permanent Board Member is authorized only when the result reached below was correct. A reversal or remand

will necessarily require some explanation, while an affirmance without opinion leaves the decision below as the final agency decision. The Department has determined that it is appropriate to allow the Board to affirm without opinion only when this disposition leaves intact correct results reached below. The Department also notes that a decision below that is unfavorable to the Government may also be summarily affirmed.

Chairman's Authority

Comments: Several commenters expressed concern about the authority given to the Chairman to select the Board Members who will be authorized to affirm cases without opinion. They stated that giving this authority to the Chairman could invite an abuse of authority and suggested that a more neutral or random selection process be established.

Response and Disposition: The Department has considered this comment and decided to retain the regulation as proposed. It is anticipated that all Board Members will be given the opportunity to participate in the streamlined adjudication process. However, the Chairman must have the flexibility to administer the program as he sees fit. The selection of Board Members for participation in the single Board Member affirmance process, and the process of selection, are internal Board matters and will remain so.

Fine Cases

Comment: One of the 24 comments came from an airline. It noted that there was a large backlog of airline fine cases, and suggested that the rule should specifically address the Board's handling of these cases.

Response and Disposition: Fine cases could potentially be handled under the procedures set forth in the new rule. The Department does not find it necessary to establish special streamlining procedures for fine cases at this time.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule will only affect individuals involved in immigration proceedings and transportation firms subject to fines under 8 CFR part 280. See 8 CFR 3.1(b)(4). This rule will not have a substantial economic impact on these firms because it will only change the procedures under which the BIA adjudicates appeals of such fines. These

procedural reforms are not expected to alter substantive outcomes except to the extent the BIA's redirection of its resources improves the consistency and uniformity of its adjudications and the quality of the legal guidance that the Board provides to Immigration Judges and the Service.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and accordingly has not been submitted to OMB for review.

Executive Order 12612

This final rule 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 section 6 of Executive Order 12612, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

The final rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Immigration, Lawyers, Organizations and functions (Government agencies), Reporting and recordkeeping requirements.

Accordingly, part 3 of chapter 1 of title 8 of the Code of Federal Regulations is to be amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for part 3 is revised to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1101 note, 1103, 1252 note, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Section 3.1 is amended by:

- a. Adding two sentences at the end of paragraph (a)(1);
 - b. Adding a new paragraph (a)(7);
 - c. Redesignating paragraphs (d)(1–a), (2), and (3) as paragraphs (d)(2), (3), and (4), respectively;
 - d. Removing redesignated paragraph (d)(2)(i)(D);
 - e. Redesignating paragraph (d)(2)(i)(E) as paragraph (d)(2)(i)(D) and removing the word "or" at the end of that paragraph;
 - f. Redesignating paragraph (d)(2)(i)(F) as paragraph (d)(2)(i)(G);
 - g. Adding new paragraphs (d)(2)(i)(E) and (F);
 - h. Redesignating paragraph (d)(2)(ii) as paragraph (d)(2)(iii); and by
 - i. Adding a new paragraph (d)(2)(ii).
- The additions to § 3.1 read as follows:

§ 3.1 General authorities.

(a)(1) *Organization.* * * * In addition, a single Board Member may exercise such authority in disposing of the following matters: a Service motion to remand an appeal from the denial of a visa petition where the Regional Service Center Director requests that the matter be remanded to the Service for further consideration of the appellant's arguments or evidence raised on appeal; a case where remand is required because of a defective or missing transcript; and other procedural or ministerial issues as provided by the Chairman. A motion to reconsider or to reopen a decision that was rendered by a single Board Member may be adjudicated by that Board Member.

(7) *Affirmance without opinion.* (i) The Chairman may designate, from

time-to-time, permanent Board Members who are authorized, acting alone, to affirm decisions of Immigration Judges and the Service without opinion. The Chairman may designate certain categories of cases as suitable for review pursuant to this paragraph.

(ii) The single Board Member to whom a case is assigned may affirm the decision of the Service or the Immigration Judge, without opinion, if the Board Member determines that the result reached in the decision under review was correct; that any errors in the decision under review were harmless or nonmaterial; and that

(A) the issue on appeal is squarely controlled by existing Board or federal court precedent and does not involve the application of precedent to a novel fact situation; or

(B) the factual and legal questions raised on appeal are so insubstantial that three-Member review is not warranted.

(iii) If the Board Member determines that the decision should be affirmed without opinion, the Board shall issue an order that reads as follows: "The Board affirms, without opinion, the result of the decision below. The decision below is, therefore, the final agency determination. See 8 CFR 3.1(a)(7)." An order affirming without opinion, issued under authority of this provision, shall not include further explanation or reasoning. Such an order approves the result reached in the decision below; it does not necessarily imply approval of all of the reasoning of that decision, but does signify the Board's conclusion that any errors in the decision of the Immigration Judge or the Service were harmless or nonmaterial.

(iv) If the Board Member determines that the decision is not appropriate for affirmance without opinion, the case will be assigned to a three-Member panel for review and decision. The panel to which the case is assigned also has the authority to determine that a case should be affirmed without opinion.

* * * * *

(d) *Powers of the Board*—(1) * * *

(2) *Summary dismissal of appeals.* (i) *Standards.* * * *

(E) The appeal does not fall within the Board's jurisdiction, or lies with the Immigration Judge rather than the Board;

(F) The appeal is untimely, or barred by an affirmative waiver of the right of appeal that is clear on the record; or

* * * * *

(ii) *Action by the Board.* The Chairman may provide for the exercise of the appropriate authority of the Board

to dismiss an appeal pursuant to paragraph (d)(2) of this section by a three-Member panel, or by a single Board Member. The Chairman may determine who from among the Board Members is authorized to exercise the authority under this paragraph and the designation may be changed by the Chairman as he deems appropriate. Except as provided in this part for review by the Board en banc or by the Attorney General, or for consideration of motions to reconsider or reopen, an order dismissing any appeal pursuant to this paragraph (d)(2) shall constitute the final decision of the Board. If the single Board Member to whom the case is assigned determines that the case is not appropriate for summary dismissal, the case will be assigned for review and decision pursuant to paragraph (a) of this section.

* * * * *

3. Section 3.2 is amended by adding a new paragraph (b)(3) to read as follows:

§ 3.2 Reopening or reconsideration before the Board of Immigration Appeals.

* * * * *

(b) * * *

(3) A motion to reconsider based solely on an argument that the case should not have been affirmed without opinion by a single Board Member, or by a three-Member panel, is barred.

Dated: October 6, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-26887 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-30-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 95-029-2]

Animal Welfare; Perimeter Fence Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Animal Welfare regulations to require that a perimeter fence be placed around outdoor housing facilities for marine mammals and certain other regulated animals. Although it has been our policy that such fences should be in place around outdoor housing facilities for such animals, there have been no provisions in the regulations

specifically requiring their use. Adding the perimeter fence requirement to the regulations for these additional categories of animals will serve to protect the safety of the animals and provide for their well-being.

DATES: *Effective date:* November 17, 1999.

Compliance date: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Kohn, Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1234; (301) 734-7833.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare regulations contained in 9 CFR chapter I, subchapter A, part 3 (referred to below as the regulations), provide specifications for the humane handling, care, treatment, and transportation, by regulated entities, of animals covered by the Animal Welfare Act (the Act) (7 U.S.C. 2131, *et seq.*). The regulations in part 3 are divided into six subparts, subparts A through F, each of which contains facility and operating standards, animal health and husbandry standards, and transportation standards for a specific category of animals. These categories are: (A) Cats and dogs, (B) guinea pigs and hamsters, (C) rabbits, (D) nonhuman primates, (E) marine mammals, and (F) animals other than cats, dogs, guinea pigs, hamsters, rabbits, nonhuman primates, and marine mammals.

On May 6, 1997, we published in the **Federal Register** (62 FR 24611-24614, Docket No. 95-029-1) a proposal to amend the regulations in subparts E and F of the regulations by requiring that perimeter fences be placed around outdoor housing facilities for marine mammals and for other animals covered by the regulations, other than cats, dogs, guinea pigs, hamsters, and rabbits.

We proposed the following minimum perimeter fence heights:

Type of facility	Minimum perimeter fence height (feet)
Marine Mammals, other than	
Polar Bears	6
Polar Bears	8
Other Nondangerous Animals ..	6
Other Potentially Dangerous Animals	8

In our proposed rule, we stated that the perimeter fence would act as a secondary containment system for the animals in the facility when appropriate, reasonably restrict animals and unauthorized persons from entering

the facilities or having contact with the animals, and prevent exposure to diseases. We intended these requirements to protect the safety and provide for the well-being of the animals.

We also proposed a minimum distance of 3 feet between the perimeter fence and any primary enclosure to prevent physical contact between animals inside the enclosure and animals and persons outside the perimeter fence.

We solicited comments concerning our proposal for 60 days ending July 7, 1997. We received 23 comments by that date. They were from exhibitors, exhibitor and trade associations, wildlife associations, animal parks, humane organizations, and a Federal government agency, among others. The comments are discussed below by topic.

Primary Enclosure and Perimeter Fencing

Several commenters opposed the installation of a perimeter fence around each primary enclosure. Some were concerned that the perimeter fence would obscure the public's view of the animals or detract from the aesthetic draw of the facilities and decrease the number of visitors. Another commenter stated that the perimeter fence would interfere with the ability of the public to have physical contact with animals in petting zoos. One commenter expressed concern that the perimeter fence would conflict with the Americans with Disabilities Act by impairing access to areas around the primary enclosures.

We believe these commenters misunderstood the proposal. The perimeter fence would surround the area or areas where the outdoor housing facilities are located. Each individual primary enclosure would not have to be surrounded by a second fence. Therefore, a perimeter fence would not obstruct the public's view of the animals, hinder the petting of the animals at petting zoos, or impair access to the primary enclosures by people with disabilities.

Height of the Perimeter Fence

One commenter asked how we determined that a perimeter fence should be 8 feet high for potentially dangerous animals and 6 feet high for marine mammals other than polar bears. This commenter stated that the required heights were arbitrary and had no scientific basis. Several commenters stated that an 8-foot fence would not provide security against the escape of large felines or the entry of unwanted animals or people and pointed out that certain animals and people would be

able to climb the perimeter fence. An additional commenter stated that a 3½- or 4-foot perimeter fence would be sufficient to keep unauthorized people away from the animals. Several commenters requested alternative security methods to accomplish the goals set out in the proposal. Another commenter stated that our rule should allow for alternative measures that may not require structural changes to a facility.

Perimeter fences are intended to provide reasonable protection to animals from the unauthorized entry of persons and other animals, protect animals from exposure to disease, and serve as a secondary containment structure if one of the animals escapes from its primary enclosure. As indicated in our proposal, perimeter fence requirements have been our policy for many years with satisfactory results. The perimeter fence height requirements are based on our experience of more than 20 years with the protection and secondary containment of animals at regulated facilities. Perimeter fences are not designed to prevent all escapes or to keep out all persons that are determined to gain access to a facility. Some potentially dangerous animals may be able to climb or jump over an 8-foot fence. However, these animals' primary enclosures should be constructed sufficiently to prevent their escape. In the event of an escape, the perimeter fence would act as a secondary containment system to impede escape from the facility.

If a facility wants to use a lower perimeter fence than required by the regulations, the lower fence would have to be approved in writing by the Administrator. Approval by the Administrator of a lower perimeter fence would only be given if the lower fence, in conjunction with the facility's alternative security measures, would provide the same or an enhanced degree of protection from access by animals and unauthorized persons, disease exposure, and animal escape.

With respect to alternative methods of accomplishing the goals identified in the proposal, § 3.103(c)(1) and (c)(2) and § 3.127(d)(1) and (d)(2) of this rule offer alternatives to a perimeter fence. A perimeter fence is not required if the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval. In addition, a perimeter fence is not

required if the outdoor housing facility is protected by an effective natural barrier that restricts the marine mammals or other animals, as the case may be, to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval.

We agree that there are other alternative security measures a facility could employ that would provide the same or an enhanced protection. Therefore, in this final rule, §§ 3.103(c)(3) and 3.127(d)(3) provide that a perimeter fence is not required where appropriate alternative security measures are employed and the Administrator provides written approval.

In this final rule, we are also replacing the phrase "impenetrable natural barrier" in §§ 3.103(c)(2) and 3.127(d)(2) with the phrase "effective natural barrier." An effective natural barrier to prevent the entry of unwanted animals and persons is more attainable than an impenetrable natural barrier.

Several commenters stated that the existing requirements for farm animals are sufficient as a secondary containment system and as a means of preventing the unauthorized entry of animals and people into the primary enclosures. These commenters stated that farm animals, such as goats, sheep, horses, cows, and donkeys, should be excluded from the perimeter fencing requirements.

We agree that the use of perimeter fencing may not be necessary at all times to provide safety to farm animals. Therefore, we have decided to add a new paragraph (d)(5) to § 3.127 to provide an exclusion for facilities housing only farm animals, such as, but not limited to, goats, sheep, horses (for regulated purposes), cows, pigs, or donkeys, where effective and customary containment and security measures are in place for those animals.

Several commenters maintained that it was unnecessary to require an 8-foot perimeter fence, rather than a 6-foot fence, at facilities that contain elephants because elephants cannot climb or jump a fence. One commenter stated that the height of the fence would not keep elephants contained.

Although elephants do not jump or climb well, they do rear up, and we believe that an 8-foot fence is appropriate. Of course, we recognize that a lower fence may be adequate in some circumstances. The rule provides a procedure for the approval of alternative measures.

One commenter stated that an 8-foot fence should be required for all marine mammals and potentially dangerous

animals, mainly to prevent the entry of unauthorized persons. Another commenter stated that a 6-foot fence is sufficient for all animals except large felines, such as tigers, lions, leopards, and cougars, and would keep unwanted people or animals out. This commenter and several others also stated that there may be zoning problems within communities for the placement of fences higher than 6 feet.

A perimeter fence must be high enough to reasonably be expected to keep animals and unauthorized persons out of the facility and to act as a secondary containment system should an animal escape from its primary enclosure. Based on our experience of more than 20 years with the protection and secondary containment of animals at regulated facilities, a fence measuring at least 8 feet in height is necessary for potentially dangerous animals. As we stated in the proposal, potentially dangerous animals may be subject to possibly dangerous, or lethal, recapture and control methods if they escape captivity. One of the purposes of a perimeter fence for potentially dangerous animals is to act as a secondary containment system and reduce the possibility that the animals will escape from the facility and be harmed during recapture and control. We believe that, with the exception of polar bears, marine mammals are not considered potentially dangerous animals for the purposes of the perimeter fence requirements. Most marine mammals are either confined to their pools (cetaceans) or cannot climb or jump over a 6-foot fence. Therefore, we do not feel that an 8-foot fence is necessary for marine mammals such as seals, sea lions, walruses, dolphins, whales, sea otters, or manatees. Moreover, as explained earlier, we recognize that a lower fence may be appropriate in some circumstances. The rule provides for the use of a lower fence with the written approval of the Administrator. If local zoning requirements preclude a perimeter fence of the required height, then alternative measures would have to be employed.

Several commenters questioned whether a fence 8 feet in height would prevent small animals, such as dogs, skunks and raccoons, from tunneling under or climbing over the fence. Some stated that small rodents, birds, insects, and bats can transmit disease and would not be deterred by the perimeter fence. Another commenter requested documentation that demonstrates that the proposed perimeter fence requirement would help prevent animals, especially marine mammals, from being exposed to disease.

We realize that the perimeter fence may not prevent a determined animal from entering the facility. We also realize that small rodents, birds, insects, and bats may get under or over a perimeter fence and transmit diseases. There are a number of ways a facility can deal with these issues, including the use of effective pest control programs for nuisance or potentially hazardous insects, birds, or other animals. This rule is intended to supplement such control measures by minimizing exposure to unwanted animals. A perimeter fence will help restrict small animals' access to animals in a facility. Exclusion of these small animals will help prevent confined animals from being exposed to diseases such as rabies and distemper and to vectors such as ticks and fleas. The use of a perimeter fence as a disease control measure is based on epidemiological considerations, disease transmission theories, and our experience of more than 20 years with the protection of animals at regulated facilities. Obviously, fencing as a disease control measure is more significant in some circumstances than others and indeed may be insignificant in some circumstances.

One commenter requested the number of polar bears that have escaped from a facility within the last 5 years. This commenter also wanted to know if any polar bears were killed during recapture or control. The commenter maintained that the proposed perimeter fence requirements for polar bears were overly cautious and unwarranted. Another commenter stated that perimeter fencing should be required only if there is a known problem or history of problems at the facility.

We are promulgating this rule, in part, to prevent possible problems due to the escape of animals and not as a response to the escape of an animal. Our experience of more than 20 years with the protection and secondary containment of animals at regulated facilities has shown that the use of perimeter fences is effective as a secondary containment system and as a means of protecting animals from the entry of other animals and unauthorized persons. The purpose of the Animal Welfare regulations is to provide for the humane handling, care, treatment, and transportation of regulated animals with the intent of preventing problems whenever possible rather than waiting for problems to occur. We do not believe that polar bears are less dangerous than other bears or that they should be treated differently in the context of this rule.

Several commenters requested that the perimeter fence requirements apply only to small, urban establishments because a 6-foot perimeter fence may draw attention to a facility and prompt unauthorized people to attempt to enter the facility. We do not believe that a perimeter fence would make a facility less secure and, accordingly, do not adopt this suggestion.

Several commenters asked how APHIS determined that a minimum space of 3 feet between the primary enclosure and the perimeter fence was sufficient. One commenter stated that the distance was arbitrary, and another commenter stated that 3 feet was insufficient to prevent a person from sticking a pole or other object through a fence to injure an animal or allow adequate room for routine maintenance and repair.

The proposal identified 3 feet as the minimum distance between the perimeter fence and any primary enclosure. This distance is based on APHIS' experience at Animal Welfare Act regulated facilities. In addition, this distance incorporates the minimum distance that allows safe cleaning of the area between the perimeter fence and any primary enclosures. This distance also provides sufficient distance to prevent casual contact between someone or something outside the perimeter fence and the animal within its primary enclosure.

One commenter stated that the best way to prevent an animal's escape is to use double-gated and locked entrances rather than perimeter fencing. The commenter also suggested that we require all facilities to use double-gated and locked entrances.

We do not believe it is necessary to require one type of primary enclosure containment system. We require all primary enclosures to be of sufficient strength to contain the animals. The perimeter fence or an approved alternative should be designed to prevent the entry of animals and unauthorized persons, protect against disease exposure, and act as a secondary containment system.

Temporary Versus Permanent Facilities

Several commenters questioned whether a perimeter fence is necessary only for a permanent facility at which an animal is housed or if it is also necessary for locations where traveling animal shows temporarily house animals. Some of these commenters maintained that the regulations should not include locations where traveling animal shows temporarily house animals. One commenter stated that the

regulations should include requirements for marine mammals in traveling shows.

The intent of the Act is to provide for the humane handling, care, treatment, and transportation of animals covered by the Act at all times. This includes animals that are traveling and temporarily housed outdoors. The proposed rule applied to all outdoor housing facilities for marine mammals and certain other regulated animals, and did not exclude temporary traveling facilities. However, for temporary traveling facilities, equivalent alternatives may be more practical and less burdensome than perimeter fencing. Further, unlike the situation for operators of permanent facilities, it would be difficult for traveling exhibitors to obtain advance approval for their alternative security measures at each site. Accordingly, the proposed rule is modified to provide flexibility to traveling facilities. This final rule provides in § 3.103(c)(4) for marine mammals and § 3.127(d)(4) for certain other animals that alternative security measures may be used without prior approval. However, if the alternative measures used by the traveling exhibitor are found to be insufficient during an inspection, the exhibitor will be required to employ compliant alternative measures.

Several commenters requested clarification regarding the area that would need to be enclosed by a perimeter fence. As discussed above, the area or areas where animals are in outdoor housing facilities would have to be enclosed by one or more fences, unless an exception or exemption applies.

Several commenters asked if "outdoor facility" meant outdoor activities and stated that the rule should not include outdoor activities. The regulation is intended to apply to facilities rather than to the activities that may occur within them (or elsewhere). Thus, it is not intended that a circus parade, for example, would have to be enclosed by a fence. However, the occurrence of an activity, such as a performance or other exhibition within a facility, would not remove the facility from the requirements of this rule.

One of the commenters asked if "outdoor facility" included a permanent facility. Outdoor facilities can be either temporary or permanent (traveling facilities have been discussed above).

Exemptions from the Perimeter Fence Requirements

Several commenters asked how an exemption from the perimeter fence requirements could be granted by the Administrator and whether an

exemption is one-time only or would be granted on an annual basis. One commenter asked what occurs in the event that a facility's physical environment does not allow the placement of a perimeter fence. An additional commenter asked if an APHIS inspector will make a recommendation to the Administrator for approval of the exemption.

If a facility wishes to use a perimeter fence that does not meet the regulatory requirements, including, but not limited to, height requirements, or if a facility wishes to use alternative security measures, the facility must obtain written approval from the Administrator. (As discussed above, traveling facilities may employ alternative security measures without prior approval.) No particular method of requesting approval for alternative fencing, natural barriers, or alternative security measures is required. Requests may be submitted to the facility's inspector, the regional director for Animal Care in the area where the facility is located, or the Deputy Administrator for Animal Care. All information relevant to the request will be reviewed, including, but not limited to, supporting documentation submitted by the facility and any relevant information from the APHIS inspector responsible for the facility. Each evaluation will take into account the alternative measures proposed, the species of the animals involved, and any other relevant information. The licensee or registrant will have to demonstrate that the proposed alternative measures would accomplish the goals of providing a secondary containment system for the animals and of preventing unwanted animals and unauthorized persons from gaining access to the animals. Because this determination is dependent upon the circumstances of each case, approval may not be given for a specified period of time but must be reevaluated if the circumstances change or if experience demonstrates that the alternative measures are not, in fact, effective.

One commenter expressed concern that supporting documentation, including security plans, submitted with a request for approval of alternative fencing or security measures could be subject to disclosure under the Freedom of Information Act.

APHIS recognizes this concern. However, we do not contemplate that the request include documentation that, if revealed, would result in the defeat of the security measures. If a licensee believes that disclosure would pose a problem, the supporting documentation

could be reviewed on site by the inspector.

Wildlife Reserves

Several commenters stated that facilities, such as wildlife reserves, that maintain animals on very large tracts of land and that adequately contain such animals should be exempt from the perimeter fence requirements. Another commenter asked whether such a facility would need to install two fences, one as a primary enclosure and one around the perimeter of its entire acreage. This commenter also asked whether the naturally occurring wildlife within the facility would have to be destroyed.

APHIS recognizes the existence of facilities such as wildlife reserves where small mammals and hoofed animals such as deer may be adequately confined by a fence rather than cages. APHIS also recognizes that, in such circumstances, a perimeter fence 3 feet outside the enclosure fence would add little to the security of the animals' confinement. Further, animals roaming within a very large tract of land require little protection from human or animal intruders. Thus, while a deer caged in a typical zoo needs protection from human and animal intruders, deer in a wildlife reserve would be able to flee unwanted contact. As previously noted, this final rule provides alternatives and exceptions to perimeter fencing requirements, and it should be possible for facilities that consist of large tracts of land to comply with the rule without incurring significant additional costs. However, because the appropriateness of confining animals (other than farm animals) simply by a fence is highly dependent upon the circumstances, it is necessary to require that alternative security measures be submitted and approved.

This rule does not require that naturally occurring wildlife be eliminated from wildlife reserves. However, each facility is responsible for the health and safety of the regulated animals maintained on its premises. Facilities that experience problems as a result of the naturally occurring wildlife must address such situations appropriately.

Marine Mammal Enclosures

One commenter questioned why a perimeter fence is only necessary for the land-side portion of a marine mammal enclosure and not the waterside portion to prevent the escape of the captive marine mammals. Two commenters questioned the need for the proposed perimeter fence requirements for marine mammals. One commenter stated that

the proposed regulations were redundant. The other commenter pointed out that in § 3.101, paragraph (a)(1) already requires that outdoor facilities contain the animals and restrict the entrance of unwanted animals, and paragraph (a)(2) requires that all marine mammals be protected from abuse and harassment by the viewing public by the use of a sufficient number of employees or attendants to supervise the viewing public, or by physical barriers, such as fences, walls, glass partitions, or distance or both. This commenter also referred to language developed by the Marine Mammal Negotiated Rulemaking Advisory Committee, which calls for lagoons and similar natural seawater facilities to maintain effective barrier fences, or other appropriate measures, on all sides of the enclosure not contained by dry land. (The proposed rule that contains the language developed by the Marine Mammal Negotiated Rulemaking Advisory Committee was published in the **Federal Register** on February 23, 1999 (64 FR 8735-8755, Docket No. 93-076-1)).

We gave careful consideration to these issues when we developed the proposed rule. Based upon all available information, we believe that the placement of a secondary barrier at natural seawater enclosures creates unacceptable risks for the marine mammals contained within them. All natural seawater enclosures for marine mammals, like land-based enclosures, are required to contain the animals within them. This includes, among other things, a barrier to prevent escape by contained animals and access by unwanted animals. We believe that the placement of a secondary barrier in the water has a higher risk of causing a marine mammal to become entangled and hurt or drowned. A second barrier also could impede the water circulation within the primary enclosure and endanger the health of the marine mammals. The placement of a perimeter fence around the land portion of a marine mammal facility will provide protection from the entry of intruders.

One commenter maintained that the terms "lagoon" or "natural seawater facility" should replace the term "sea pen" to maintain consistency with the language used in the marine mammal negotiated rulemaking. This commenter also said that the term "surrounding land" needed clarification.

We agree that the terms "lagoon" and "natural seawater facility" more accurately reflect current industry terminology. Therefore, this final rule uses the term lagoons or other natural

seawater facilities, rather than sea pens. Also, this final rule refers to "abutting land" rather than "surrounding land" in reference to lagoons or other natural seawater facilities that are not surrounded by land. The perimeter fence is to be placed around this portion of the land for facilities with lagoons or other natural seawater facilities and may stop at the shoreline as defined by low tide.

Other Comments

One commenter asked if the perimeter fence had to be constructed of chain link. The rule does not specify the type of materials with which the perimeter fence must be constructed. However, the materials must be adequate to accomplish the purposes of the fence. For example, § 3.125(a) requires that the facility, which would include the perimeter fence, "must be constructed of such material and of such strength as appropriate for the animals involved."

Several commenters stated that the rule should include a "grandfather clause" so that facilities that do not currently have perimeter fencing are not required to install perimeter fencing. As noted above, in order to provide flexibility to licensees and registrants, the final rule provides alternatives to the use of a perimeter fence.

One commenter stated that an animal's well-being is not measurable and that the proposal should be based on measurable standards; however, the commenter did not provide further information. We acknowledge that well-being may not be tangibly measurable; however, perimeter fencing will help prevent animals from being harmed by outside animals or unauthorized persons, provide protection against exposure to disease, and reduce the risk of the animals being harmed should they escape their primary enclosure.

One commenter asked if bison, elk, emu, and ostriches are included under the rule. The Act covers most warm-blooded species used for regulated purposes. If elk and bison are maintained for regulated purposes in outdoor housing facilities, then these facilities would be subject to the provisions of this rule. However, at this time, birds, including emu and ostriches, are not covered by the regulations.

One commenter stated that phrases such as "potentially dangerous animals" and "natural barrier" were too broad or vague and needed clarification. This commenter also asked what we considered a public zoo. We do not believe that an exhaustive list of every potentially dangerous animal would be helpful. We believe that the examples

given in the rule will be more helpful. We also believe that the meaning of the term "natural barrier" is clear. As previously noted, this final rule uses the term "effective natural barrier" rather than the term "impenetrable natural barrier." Our use of the term "public zoo" was intended to refer to the common use of the term to indicate a zoo that is open to the public.

Therefore, for the reasons given in the proposed rule and in this final rule, we are adopting the proposed rule as a final rule, with the changes discussed above, and with other nonsubstantive changes for clarity.

Executive Order 12866 and Regulatory Flexibility Act

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

This final rule will amend the Animal Welfare regulations by requiring that a perimeter fence be placed around outdoor housing facilities for marine mammals and certain other regulated animals.

Class A and B dealers, Class C exhibitors, registered exhibitors, and research facilities are the entities that will be affected by the perimeter fence requirement. Class A dealers breed and raise animals to sell for research, teaching, or exhibition; Class B dealers include brokers and operators of auctions sales for animals; and Class C licensees and registered exhibitors include exhibitors such as animal acts, carnivals, circuses, and zoos. Research facilities include schools, institutions, organizations, or persons who use live animals in research, tests, or experiments.

There are about 4,000 licensed dealers, 2,200 regulated exhibitors, and 1,300 registered research facilities. However, the vast majority of the licensed dealers are involved only with dogs and cats and would not be affected by this rule. Likewise, the vast majority of research facilities do not use marine mammals or "animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and marine mammals." Further, most of the research facilities that do hold animals subject to this final rule would hold farm animals, for which this rule imposes only minimal burdens. According to the Small Business Administration (SBA) size standards, more than 50 percent of zoos are considered large businesses. Although more than 50 percent of the zoos are

considered large businesses, most exhibitors would be considered small businesses. Most dealers in "exotic animals" are also small businesses.

This final rule has been modified in several respects in response to the comments in order to reduce the burdens on small businesses. Also, this rule provides that perimeter fences will not be required until 6 months after the effective date of this rule in order to give small entities additional time to comply.

We received several comments regarding the regulatory flexibility analysis. These comments are discussed below.

One commenter requested clarification regarding the relationship between wildlife and the Small Business Administration.

We assume that this commenter is referring to the Regulatory Flexibility Act section of the proposed rule where we referenced the SBA size standards of zoos. All regulatory actions must be evaluated under the Regulatory Flexibility Act for their effect on small entities.

Several commenters stated that the estimated cost of compliance that we provided in the regulatory flexibility analysis was too low and that installing a perimeter fence would be more burdensome and costly than the analysis showed. These commenters stated that the proposal did not consider physical limitations of a site or the costs for labor, posts, rails, gates, and excavations.

These comments have been carefully considered, and the final rule places a greater emphasis on alternative measures. However, based on the comments we received, we realize that our estimate of the cost of fencing in the proposal was too low. Based on current prices for fence material only, a 6-foot-high, commercial-quality fence would cost approximately \$2 per linear foot, and an 8-foot-high, commercial-quality fence would cost approximately \$3 per linear foot. For typical commercial installation, the cost would be about \$10 to \$15 per linear foot for a 6-foot-high chain link fence and about \$14 to \$18 per linear foot for an 8-foot-high chain link fence. (This would include fencing hardware and installation.) However, we expect that most affected entities would install the fencing themselves.

Another commenter expressed concern regarding the economic impact on small entities. The commenter maintained that small entities would be negatively affected. We believe that the burdens imposed by this final rule are both minimal and necessary. Many of the small entities affected by the rule would be traveling exhibitors. As

discussed above, we have provided great flexibility for traveling exhibitions.

One commenter requested the number of large and small entities that would be affected by this rule.

We recognize that this rule will affect each facility, regardless of size, to a different degree. We believe that only 10 percent of licensed dealers will be affected by this rule because the remaining 90 percent breed or trade animals, such as dogs and cats, that are not subject to this final rule. Most of the dealers who would be subject to the rule already have a perimeter fence or other measures that would be satisfactory.

In addition, most research facilities will be unaffected by this rule because they do not use outdoor housing facilities. In fact, we estimate that greater than 90 percent of research facilities are solely indoor facilities. Further, the vast majority of research facilities that use animals subject to this rule would be using farm animals for which only minimal burdens are imposed by this rule.

Several commenters stated that the cost of a perimeter fence could be quite high. We have taken the cost of perimeter fencing under careful consideration. This final rule provides for alternatives to perimeter fencing that minimize costs to affected facilities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

One commenter disagreed with the estimated burden of information collection. The commenter stated that we underestimated the burden because some respondents may require approval

for alternatives to the use of perimeter fencing for more than one outdoor facility.

Our estimated burden was based on a facility submitting one request for approval of alternative fencing or alternative security measures. If a facility has multiple sites that are geographically separated and wishes to request approval for alternatives to the use of perimeter fencing for each site, it may be necessary to submit more than one request. However, we believe this scenario would be unusual, and that the estimated burden is accurate. In fact, the burden should be somewhat less than estimated in the proposed rule because of the provisions for exemptions and other changes in this final rule.

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule have been approved by the Office of Management and Budget (OMB). The assigned OMB control number is 0579-0093.

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, we are amending 9 CFR part 3 as follows:

PART 3—STANDARDS

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

Authority: 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 3.103 is amended by adding a new paragraph (c) to read as follows:

§ 3.103 Facilities, outdoor.

* * * * *

(c) *Perimeter fence.* On and after May 17, 2000, all outdoor housing facilities (*i.e.*, facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for polar bears or less than 6 feet high for other marine mammals must be approved in writing by the Administrator. The fence must be constructed so that it protects marine mammals by restricting animals and unauthorized persons from going through it or under it and having contact with the marine mammals, and so that it can function as a secondary containment system for the animals in the facility when appropriate. The fence must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between

animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator. For natural seawater facilities, such as lagoons, the perimeter fence must prevent access by animals and unauthorized persons to the natural seawater facility from the abutting land, and must encompass the land portion of the facility from one end of the natural seawater facility shoreline as defined by low tide to the other end of the natural seawater facility shoreline defined by low tide. A perimeter fence is not required:

(1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(2) Where the outdoor housing facility is protected by an effective natural barrier that restricts the marine mammals to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(3) Where appropriate alternative security measures are employed and the Administrator gives written approval; or

(4) For traveling facilities where appropriate alternative security measures are employed.

3. Section 3.127 is amended by adding a new paragraph (d) to read as follows:

§ 3.127 Facilities, outdoor.

* * * * *

(d) *Perimeter fence.* On or after May 17, 2000, all outdoor housing facilities (*i.e.*, facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (*e.g.*, lions, tigers, leopards, cougars, bobcats, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent

physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator. A perimeter fence is not required:

(1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(2) Where the outdoor housing facility is protected by an effective natural barrier that restricts the animals to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(3) Where appropriate alternative security measures are employed and the Administrator gives written approval; or

(4) For traveling facilities where appropriate alternative security measures are employed; or

(5) Where the outdoor housing facility houses only farm animals, such as, but not limited to, cows, sheep, goats, pigs, horses (for regulated purposes), or donkeys, and the facility has in place effective and customary containment and security measures.

Done in Washington, DC, this 8th day of October 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-27135 Filed 10-15-99; 8:45 am]

BILLING CODE 3410-34-U

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133-AC22

Requirements for Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is issuing a final rule that revises NCUA rules concerning capitalization of the share insurance fund through the maintenance of a deposit by each insured credit union, payment of an insurance premium, and equity distribution. NCUA is making these revisions to conform its regulation with changes to the Federal Credit Union Act required under the Credit Union Membership Access Act (CUMAA).

DATES: This rule is effective January 1, 2000.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

FOR FURTHER INFORMATION CONTACT: Dennis C. Winans, Chief Financial Officer, Office of the Chief Financial Officer, at the above address or telephone: (703) 518-6570; or Regina M. Metz, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6540.

SUPPLEMENTARY INFORMATION:

Background

CUMAA was enacted into law on August 7, 1998. Public Law 105-21. Section 302 of CUMAA amends section 202 of the Federal Credit Union Act providing for requirements for obtaining and maintaining share insurance coverage from the National Credit Union Share Insurance Fund (NCUSIF). 12 U.S.C. 1782. The revisions concern capitalization of the share insurance fund through the maintenance of a one percent deposit by each insured credit union, payment of an insurance premium, and distribution of fund equity. CUMAA also adds provisions concerning the NCUSIF's equity ratio and available assets ratio. The amendments to the Federal Credit Union Act will become effective January 1, 2000. Accordingly, on May 27, 1999, NCUA issued a proposed rule with request for comments revising § 741.4 to implement the provisions of section 302 of CUMAA. 64 FR 28415 (May 26, 1999). The Board also requested comments on the level at which it should set the normal operating level of the NCUSIF for the year 2000. After reviewing the comments, the NCUA Board is adopting the final rule unchanged from the proposed rule.

Summary of Comments

NCUA received 18 comment letters: 12 from credit unions, four from credit union trade associations, and two from bank trade associations.

General Comments

Although CUMAA specifically mandates most of the amendments in the proposed rule, NCUA received several comments on these statutorily required provisions. NCUA also received several other comments that fell outside the scope of the proposed rule and we have noted this in the specific sections below. The majority of relevant comments were recommendations concerning the NCUSIF's normal operating level. These

comments are discussed in the section on the normal operating level below.

Section 741.4(c) One Percent Deposit

This paragraph incorporates the provision of CUMAA that requires NCUA to adjust the deposit amount semiannually for insured credit unions with assets of \$50 million or more, while retaining the annual adjustment requirement for credit unions with less than \$50 million in assets. NCUA received two comments on this paragraph. The first comment from a bank trade association suggested that credit unions be required to expense the one percent "deposit insurance premium" and to exclude the premium from both assets and net worth when assessing capital adequacy. This comment mistakenly identifies the one percent insurance deposit as a "premium" and is outside the scope of this regulation. The nature of the one percent insurance deposit is established by statute. 12 U.S.C. 1782a(c)(1). The second commenter on this paragraph, a state credit union league, suggested that NCUA adjust the one percent deposit amount semiannually for all credit unions regardless of size. NCUA is not adopting this suggestion; it would exceed the requirements of CUMAA and, further, create accounting burdens for both the NCUSIF and insured credit unions. Including credit unions with less than \$50 million in assets in the semiannual calculation would have only a minimal impact on the NCUSIF.

Section 741.4(d) Insurance Premium Charges

As required by CUMAA, the section requires the NCUA Board, as of January 1, 2000, to calculate the amount of the premium not more than twice in any calendar year based on the amount of the NCUSIF's equity ratio. The NCUA Board may only assess an insurance premium if the NCUSIF equity fund ratio is less than 1.3 percent. The premium charge must not exceed the amount necessary to restore the equity ratio to 1.3 percent. If the amount of the equity ratio is less than 1.2 percent, the NCUA Board must assess an insurance premium in an amount to restore the equity ratio to 1.2 percent. The NCUA Board will require staff to report annually on the issue of an insurance premium charge after the availability of the December 31 Call Report data.

The NCUA received four comment letters on insurance premium charges: one from a bank trade association and three from credit unions. Three comment letters concerned requirements mandated by CUMAA over which NCUA has no discretion.

One comment letter from a credit union suggested that NCUA calculate the equity ratio semiannually for large credit unions when the one percent deposit amount is computed, allowing premiums to be assessed. This has been NCUA's approach and is permitted under the proposed and final regulation.

Section 741.4(e) Distribution of NCUSIF Equity

This paragraph incorporates the CUMAA provision that requires the NCUA Board to make a distribution of NCUSIF equity to insured credit unions after each calendar year when NCUSIF's available assets ratio exceeds one percent, and the NCUSIF exceeds its normal operating level. One commenter suggested that the NCUA Board calculate the available assets ratio and equity ratio twice yearly, allowing equity to be distributed to credit unions, but CUMAA mandates that NCUA calculate and make the equity distribution after each calendar year. Under the final rule, the NCUA Board will use the aggregate amount of the insured shares from all insured credit unions from the final reporting period of the calendar year in calculating the NCUSIF's equity ratio and available assets ratio to determine whether to distribute NCUSIF equity. The NCUA Board will require staff to report annually on the issue of an equity distribution after the availability of the December 31 Call Report data.

One commenter requested that NCUA give each credit union a choice of its preferred form of the distribution of the fund equity but provided no business reason for doing so. CUMAA and the final rule permit NCUA to determine the form of equity distributions to the credit unions from the NCUSIF, including a waiver of insurance premiums, premium rebates, or distributions from NCUSIF equity in the form of dividends. As a practical matter, if a premium is to be assessed in a year following a year for which a dividend is to be paid, NCUA's practice is to net the amounts so that a credit union will receive either a dividend or a premium depending on its circumstances. Both premiums and dividends are calculated on the basis of insured shares for a specific period, therefore, the form of a distribution of the fund equity for a specific period should be the same for all insured credit unions.

Section 741.4(f) Invoices

This paragraph states that the NCUA will provide copies of invoices to all federally insured credit unions in connection with the amount of their one percent deposit and any premium

payment. The final rule updates and clarifies the current rule, in addition to incorporating changes required under CUMAA. Three commenters suggested that the final rule establish a deadline from the invoice date for credit unions to adjust their one percent deposit amounts and forward their premium payments. Two of these commenters recommended 30 calendar days and one recommended 60 days. NCUA's current practice is to provide credit unions with a specific calendar due date on invoices that is approximately 45 calendar days after sending the invoice. This practice provides the NCUA with more flexibility than would a regulatory deadline and has worked well because there is no need for the credit union to calculate when the due date is, so NCUA sees no need to establish a regulatory deadline at this time.

Normal Operating Level for Year 2000

In the proposed rule, the Board requested comments on the appropriate percentage, not less than 1.2 percent and not more than 1.5 percent of the aggregate of all insured shares at the end of the year, for the normal operating level for the year 2000. Ten of the sixteen commenters on this issue, including the two national credit union trade associations, recommended that NCUA keep the normal operating level for the year 2000 at 1.3 percent, its current level. Four commenters suggested that NCUA lower the normal operating level for the year 2000 below 1.3 percent, with one of these commenters recommending that NCUA increase the percent gradually over five years. The remaining two commenters suggested that NCUA raise the normal operating level above 1.3 percent, with one of these commenters recommending that NCUA increase the percent gradually over five years and one over ten years. The NCUA Board has decided to set the normal operating level for the year 2000 at 1.3 percent.

NCUA received various other general comments about the normal operating level. Six of the sixteen commenters on this issue recommended that any increase in the normal operating level should be in small increments gradually over a period of years. Two of the sixteen commenters suggested that NCUA establish a long-term policy for operation and soundness of the NCUSIF and the normal operating level. Two commenters suggested that NCUA should conduct a thorough study on the NCUSIF's performance, including investment income, loss record, and whether the amount allocated for provision for credit union losses is on target. NCUA does conduct this type of

research on a continual basis regarding the NCUSIF. Five commenters recommended that NCUA not base its decisions on the NCUSIF on how the other financial regulatory agencies manage their funds, because credit unions have a different type and amount of risk than banks.

Regulatory Procedures

Regulatory Flexibility Act

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

Paperwork Reduction Act

NCUA has determined that the amendments do not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. As does the current rule, the amendments will apply to federal credit unions and federally-insured state-chartered credit unions. NCUA has determined that the amendments 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.

Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit unions.

By the National Credit Union Administration Board on October 6, 1999.
Becky Baker,
Secretary of the Board.

For the reasons set forth in the preamble, the National Credit Union Administration amends 12 CFR part 741 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

Subpart A—Regulations That Apply to Both Federal Credit Unions and Federally Insured State-Chartered Credit Unions and That Are Not Codified Elsewhere in NCUA's Regulations

1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, and 1781–1790.
 Section 741.4 is also authorized by 31 U.S.C. 3717.

§ 741.4 [Amended]

2. Amend § 741.4 as follows:
 - a. In paragraph (a), remove the word “annual.”
 - b. In paragraph (g), remove the words “insurance year” from wherever they appear and add, in their place, the words “calendar year.”
 - c. In paragraph (j), remove the words “insurance year” and add, in their place, the words “calendar year.”
 - d. Remove paragraph (b)(3), redesignate paragraph (b)(2) as paragraph (b)(3), revise paragraph (b)(1), add new paragraphs (b)(2), (b)(4) and (b)(5), and revise paragraphs (c), (d), (e), (f), and (h) to read as follows:

$$\frac{(\text{cash} + \text{market value of unencumbered investments}) - (\text{liabilities} + \text{contingent liabilities for which no provision for losses has been made})}{\text{aggregate amount of all insured shares from final reporting period of calendar year}}$$

(2) *Equity ratio* means the ratio of:
 (i) The amount of NCUSIF's capitalization, meaning insured credit unions' one percent capitalization deposits plus the retained earnings balance of the NCUSIF (less contingent

liabilities for which no provision for losses has been made) to:
 (ii) The aggregate amount of the insured shares in all insured credit unions.

$$\frac{\text{insured credit unions' 1.0\% capitalization deposits} + (\text{NCUSIF's retained earnings} - \text{contingent liabilities for which no provision for losses has been made})}{\text{aggregate amount of all insured shares}}$$

* * * * *

(4) *Normal operating level* means an equity ratio not less than 1.2 percent and not more than 1.5 percent, as established by action of the NCUA Board.

(5) *Reporting period* means calendar year for credit unions with total assets of less than \$50,000,000 and means semiannual period for credit union with total assets of \$50,000,000 or more.

(c) *One percent deposit.* Each insured credit union shall maintain with the NCUSIF during each reporting period a deposit in an amount equaling one percent of the total of the credit union's insured shares at the close of the preceding reporting period. For credit unions with total assets of less than \$50,000,000, insured shares will be measured and adjusted annually based on the insured shares reported in the credit union's semiannual 5300 report due in January of each year. For credit unions with total assets of \$50,000,000 or more, insured shares will be

measured and adjusted semiannually based on the insured shares reported in the credit union's quarterly 5300 reports due in January and July of each year.

(d) *Insurance premium charges.* (1) *In general.* Each insured credit union will pay to the NCUSIF, on dates the NCUA Board determines, but not more than twice in any calendar year, an insurance premium in an amount stated as a percentage of insured shares, which will be the same for all insured credit unions.

(2) *Relation of premium charge to equity ratio of NCUSIF.* (i) The NCUA Board may assess a premium charge only if the NCUSIF's equity ratio is less than 1.3 percent and the premium charge does not exceed the amount necessary to restore the equity ratio to 1.3 percent.

(ii) If the equity ratio of NCUSIF falls below 1.2 percent, the NCUA Board is required to assess a premium in an amount it determines is necessary to

§ 741.4 Insurance premium and one percent deposit.

* * * * *

(b) *Definitions.* For purposes of this section:

(1) *Available assets ratio* means the ratio of:

(i) The amount determined by subtracting all liabilities of the NCUSIF, including contingent liabilities for which no provision for losses has been made, from the sum of cash and the market value of unencumbered investments authorized under 12 U.S.C. 1783(c), to:

(ii) The aggregate amount of the insured shares in all insured credit unions.

(iii) Shown as an abbreviated mathematical formula, the available assets ratio is:

(iii) Shown as an abbreviated mathematical formula, the equity ratio is:

restore the equity ratio to, and maintain that ratio at, 1.2 percent.

(e) *Distribution of NCUSIF equity.* If, as of the end of a calendar year, the NCUSIF exceeds its normal operating level and its available assets ratio exceeds 1.0 percent, the NCUA Board will make a proportionate distribution of NCUSIF equity to insured credit unions. The distribution will be the maximum amount possible that does not reduce the NCUSIF's equity ratio below its normal operating level and does not reduce its available assets ratio below 1.0 percent. The distribution will be after the calendar year and in the form determined by the NCUA Board. The form of the distribution may include a waiver of insurance premiums, premium rebates, or distributions from NCUSIF equity in the form of dividends. The NCUA Board will use the aggregate amount of the insured shares from all insured credit unions from the final reporting period of the calendar year in calculating the

NCUSIF's equity ratio and available assets ratio for purposes of this paragraph.

(f) *Invoices.* The NCUA provides invoices to all federally insured credit unions stating any change in the amount of a credit union's one percent deposit and the computation and funding of any premium payment due. Invoices for federal credit unions also include any annual operating fees that are due. Invoices are calculated based on a credit union's insured shares as of the most recently ended reporting period. The invoices may also provide for any distribution the NCUA Board declares in accordance with paragraph (e) of this section, resulting in a single net transfer of funds between a credit union and the NCUA.

* * * * *

(h) *Conversion to Federal insurance.* An existing credit union that converts to insurance coverage with the NCUSIF shall immediately fund its one percent deposit based on the total of its insured shares as of the close of the month prior to conversion and, if any premiums have been assessed in that calendar year, will pay a prorated premium amount to reflect the remaining number of months in that calendar year. The credit union will be entitled to a prorated share of any distribution from NCUSIF equity declared subsequent to the credit union's conversion.

* * * * *

[FR Doc. 99-26753 Filed 10-15-99; 8:45 am]

BILLING CODE 7535-01-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-363-AD; Amendment 39-11363; AD 99-21-18]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Pratt & Whitney JT9D-7R4 Series Turbofan Engines or General Electric CF6-80A Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires repetitive inspections to detect certain discrepancies of the cables, fittings, and pulleys of the engine thrust control cables; and repair, if necessary. For

certain airplanes, this amendment also requires replacement of certain pulleys with new pulleys, and re-rigging of the engine thrust control cable. This amendment is prompted by reports of engine thrust control cable failures. The actions specified by this AD are intended to prevent such failures, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

DATES: Effective November 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of November 22, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Holly Thorson, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1357; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on April 14, 1999 (64 FR 18386). That action proposed to require modification of the engine thrust control cable installation; repetitive inspections to detect certain discrepancies of the cables, pulleys, pulley brackets, and cable travel; and repair, if necessary. For certain airplanes, that action also proposed to require replacement of certain pulleys with new pulleys, and re-rigging of the engine thrust control cable.

Comments

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

Support for the Proposal

One commenter supports the proposed AD.

Request for Clarification on Allowable Part Numbers

One commenter requests clarification on which part numbers of aluminum pulleys will satisfy the intent of paragraph (b) of the proposed AD. This commenter states that it has accomplished Boeing Service Bulletin 767-76-0010, dated April 19, 1985, on its fleet. That bulletin specifies replacement of the non-metallic pulleys of the engine thrust control cable that are located in the leading edge of the wing adjacent to the left and right engine strut, with aluminum pulleys having the part number 255T1232-1. The proposed AD would require pulleys to be replaced in accordance with Boeing Service Bulletin 767-76-0010, Revision 1, dated February 20, 1992. That bulletin specifies that replacement with aluminum pulleys having the part number 255T1232-3 is preferred, but use of aluminum pulleys having the part number 255T1232-1 is allowed. The commenter states that, if aluminum pulleys having the part number 255T1232-3 are the only approved pulleys, the lack of availability of that pulley may cause unplanned delays in the accomplishment of the proposed AD.

The FAA intends that paragraph (b) of this AD require replacement of non-metallic pulleys of the engine thrust control cable that are located in the leading edge of the wing adjacent to the left and right engine strut, with aluminum pulleys having the part number 255T1232-1 or -3. Pulleys having the part number 255T1232-3 are preferred because they use a different bearing that has high temperature grease. After reviewing Boeing Service Bulletin 767-76-0010, dated April 19, 1985, the FAA finds that accomplishment of the replacement specified in that service bulletin is acceptable for compliance with the replacement required by paragraph (b) of the final rule; therefore, a note stating this has been added to the final rule.

Request for Information on Other Relevant Rulemaking

One commenter notes that the proposed rule states that the damage criteria in Appendix 1., "Thrust Control Cable Inspection Procedure," is based on the requirements in the Boeing 757 Maintenance Manual, which are more stringent than the requirements for the Model 767 series airplane. The commenter requests information regarding similar rulemaking for the Boeing Model 757 series airplane. No specific change to the rule is requested.

The FAA has issued two proposed rules to address the unsafe condition on other Boeing airplane models that have an engine thrust control cable installation similar to the Model 767 series airplane:

- FAA Rules Docket No. 98-NM-323-AD (64 FR 49105, September 10, 1999), which applies to certain Model 757-200 series airplanes; and
- FAA Rules Docket No. 99-NM-22-AD (64 FR 53275, October 1, 1999), which applies to certain Model 747 series airplanes.

No change to the final rule is necessary in this regard.

Request for Extension of the Compliance Time

Two commenters request that the compliance time for the repetitive inspections specified in paragraph (a) of the proposed AD be extended. One commenter suggests that its inspection program, which specifies inspection of different sections of the engine thrust control cable installation at intervals from 2,600 flight hours to 9,000 flight hours, including inspections of certain sections to be performed only on a sampling of airplanes in an operator's fleet, is adequate. Therefore, reducing the interval by 50 percent, as specified in the proposed AD, is unnecessary. The other commenter suggests that the engine thrust control cables be inspected at every "2C" check, with certain sections of the cable run to be inspected at every "C" check. (This commenter considers a "C" check interval to be 456 days.) This commenter states that it will have to modify its maintenance program to accomplish the proposed repetitive inspections every 18 months or 4,500 flight hours.

The FAA does not concur with the commenters' request to extend the compliance time. There has been one engine thrust control cable failure on a Model 767 series airplane, and two failures on Model 757 series airplanes. (The engine thrust control cable installation on certain Model 757 series airplanes is similar to that on certain Model 767 series airplanes.) There was no evidence in these events that the operators were not following the Boeing maintenance planning document recommendations for the engine thrust control cable inspections. Given this experience and the possibly catastrophic effect of a thrust control cable failure, the FAA has determined that it is necessary to conduct more frequent inspections of the cable installations. Therefore, this AD requires the engine thrust control cable inspections to be accomplished every 18

months or 4,500 flight hours, whichever occurs first. No change to the final rule is necessary in this regard.

Request for Clarification of Applicability

One commenter requests clarification of the applicability of the proposed AD. The commenter states that this proposed AD affects Model 767 series airplanes powered by Pratt & Whitney JT9D series turbofan engines, and Model 767 series airplanes powered by General Electric CF6 series turbofan engines that do not use full authority digital electronic controls (FADEC).

The FAA concurs partially. This AD only affects certain Model 767 series airplanes powered by General Electric CF6 series turbofan engines that do not use FADEC (as well as Model 767 series airplanes powered by Pratt & Whitney JT9D series turbofan engines). Specifically, this AD affects Model 767 series airplanes powered by CF6-80A series turbofan engines. The engine thrust control cable installation is different on airplanes powered by other General Electric CF6 series turbofan engines that do not use FADEC, and the unsafe condition discussed previously does not exist on those airplanes. Therefore, no change to the final rule is necessary in this regard.

Explanation of Changes Made to the Cost Impact

The FAA has been advised that the replacement of pulleys required by paragraph (b) of this AD has been accomplished on 23 airplanes of U.S. registry. Accordingly, the FAA has revised the cost impact, below, to reflect this information.

Explanation of Changes Made to Appendix 1

Prompted by two comments received to FAA Rules Docket No. 98-NM-323-AD (64 FR 7822, February 17, 1999), which proposed actions similar to those required by this AD for the Model 757 series airplane, the FAA reviewed Appendix 1, "Thrust Control Cable Inspection Procedure," of the proposed AD. One commenter to FAA Rules Docket No. 98-NM-323-AD stated that the proposed procedure would require disassembly of the engine thrust control cable installation. The other commenter suggested that the procedure be revised to eliminate all steps that do not contribute to the intent of the AD.

In FAA Rules Docket No. 98-NM-323-AD (the FAA issued a supplemental NPRM for reasons other than the inspection procedure), the FAA concurred with the commenters' request to revise the inspection procedure. The

FAA's intent was to define a thorough inspection of the engine thrust control cable installation while minimizing the amount of disruptive maintenance to the installation. With technical input from the airplane manufacturer, an improved and simplified inspection procedure has been developed, and Appendix 1. of this AD has been revised accordingly. Figure 2 of Appendix 1. has been removed because it is no longer needed for the inspection. The FAA has determined that the revision, although extensive, does not change the intent of the proposed procedure and actually decreases the scope of the inspection. In addition, the FAA has revised certain language in the preamble of this AD to reflect the changes to Appendix 1.

In addition, the FAA has corrected the summary of the final rule. The summary of the proposed AD stated a modification of the engine thrust control cable installation would be required on all affected airplanes. No such requirement was included in the proposed AD.

Conclusion

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

Cost Impact

There are approximately 211 airplanes of the affected design in the worldwide fleet. The FAA estimates that 100 airplanes of U.S. registry will be affected by this AD.

For all airplanes (100 U.S.-registered airplanes), it will take approximately 3 work hours per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$18,000, or \$180 per airplane, per inspection cycle.

For airplanes identified in Boeing Service Bulletin 767-76-0010, Revision 1 (52 U.S.-registered airplanes), it will take approximately 9 work hours per airplane to accomplish the required replacement and re-rigging, at an average labor rate of \$60 per work hour. Required parts will cost \$484 per airplane. Based on these figures, the cost impact of the replacement and re-rigging required by this AD on U.S. operators is estimated to be \$53,248, or \$1,024 per airplane. The cost impact figures

discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that 23 airplanes of U.S. registry have been modified in accordance with Boeing Service Bulletin 767-76-0010, Revision 1, as required by paragraph (b) of this AD. Therefore, the future economic cost impact of the required replacement and re-rigging on U.S. operators is now only \$29,696, or \$1,024 per airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

99-21-18 Boeing: Amendment 39-11363. Docket 98-NM-363-AD.

Applicability: Model 767 series airplanes powered by Pratt & Whitney JT9D-7R4 series turbofan engines or General Electric CF6-80A series turbofan engines, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent engine thrust control cable failure, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane, accomplish the following:

(a) For all airplanes: Within 18 months or 4,500 flight hours after the effective date of this AD, whichever occurs first, accomplish the "Thrust Control Cable Inspection Procedure" specified in Appendix 1 (including Figure 1) of this AD to verify the integrity of the thrust control cables. Prior to further flight, repair any discrepancy found, in accordance with the procedures described in the Boeing 767 Maintenance Manual. Repeat the inspection thereafter at intervals not to exceed 18 months or 4,500 flight hours, whichever occurs first.

(b) For airplanes identified in Boeing Service Bulletin 767-76-0010, Revision 1, dated February 20, 1992: Within 18 months or 4,500 flight hours after the effective date of this AD, whichever occurs first, replace the two non-metallic pulleys of the thrust control cable that are located in the leading edge of the wing adjacent to the left and right engine strut with aluminum pulleys; and re-rig the thrust control cables; in accordance with the service bulletin.

Note 2: Accomplishment of the replacement specified in Boeing Service Bulletin 767-76-0010, dated April 19, 1985, is acceptable for compliance with the replacement required by paragraph (b) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an

appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with 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

(e) The replacement and re-rigging specified in paragraph (b) of this AD shall be done in accordance with Boeing Service Bulletin 767-76-0010, Revision 1, dated February 20, 1992. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 22, 1999.

Appendix 1.—Thrust Control Cable Inspection Procedure

1. General

A. Clean the cables, if necessary, for the inspection, in accordance with Boeing 767 Maintenance Manual 12-21-31.

B. Use these procedures to verify the integrity of the thrust control cable system. The procedures must be performed along the entire cable run for each engine. To ensure verification of the portions of the cables which are in contact with pulleys and quadrants, the thrust control must be moved by operation of the thrust and/or the reverse thrust levers to expose those portions of the cables.

C. The first task is an inspection of the control cable wire rope. The second task is an inspection of the control cable fittings. The third task is an inspection of the pulleys.

Note: These three tasks may be performed concurrently at one location of the cable system on the airplane, if desired, for convenience.

Note: For the purposes of this procedure, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

2. Inspection of the Control Cable Wire Rope

A. Perform a detailed visual inspection to ensure that the cable does not contact parts

other than pulleys, quadrants, cable seals, or grommets installed to control the cable routing. Look for evidence of contact with other parts. Correct the condition if evidence of contact is found.

B. Perform a detailed visual inspection of the cable runs to detect incorrect routing, kinks in the wire rope, or other damage. Replace the cable assembly if:

(1) One cable strand had worn wires where one wire cross section is decreased by more than 40 percent (see Figure 1),

(2) A kink is found, or

(3) Corrosion is found.

C. Perform a detailed visual inspection of the cable: To check for broken wires, rub a cloth along the length of the cable. The cloth catches on broken wires.

(1) Replace the 7x7 cable assembly if there are two or more broken wires in 12 continuous inches of cable or there are three or more broken wires anywhere in the total cable assembly.

(2) Replace the 7x19 cable assembly if there are four or more broken wires in 12 continuous inches of cable or there are six or more broken wires anywhere in the total cable assembly.

3. Inspection of the Control Cable Fittings

A. Perform a detailed visual inspection to ensure that the means of locking the joints are intact (wire locking, cotter pins, turnbuckle clips, etc.). Install any missing parts.

B. Perform a detailed visual inspection of the swaged portions of swaged end fitting to

detect surface cracks or corrosion. Replace the cable assembly if cracks or corrosion are found.

C. Perform a detailed visual inspection of the unswaged portion of the end fitting. Replace the cable assembly if a crack is visible, if corrosion is present, or if the end fitting is bent more than 2 degrees.

D. Perform a detailed visual inspection of the turnbuckle. Replace the turnbuckle if a crack is visible or if corrosion is present.

4. Inspection of Pulleys

A. Perform a detailed visual inspection to ensure that pulleys are free to rotate. Replace pulleys which are not free to rotate.

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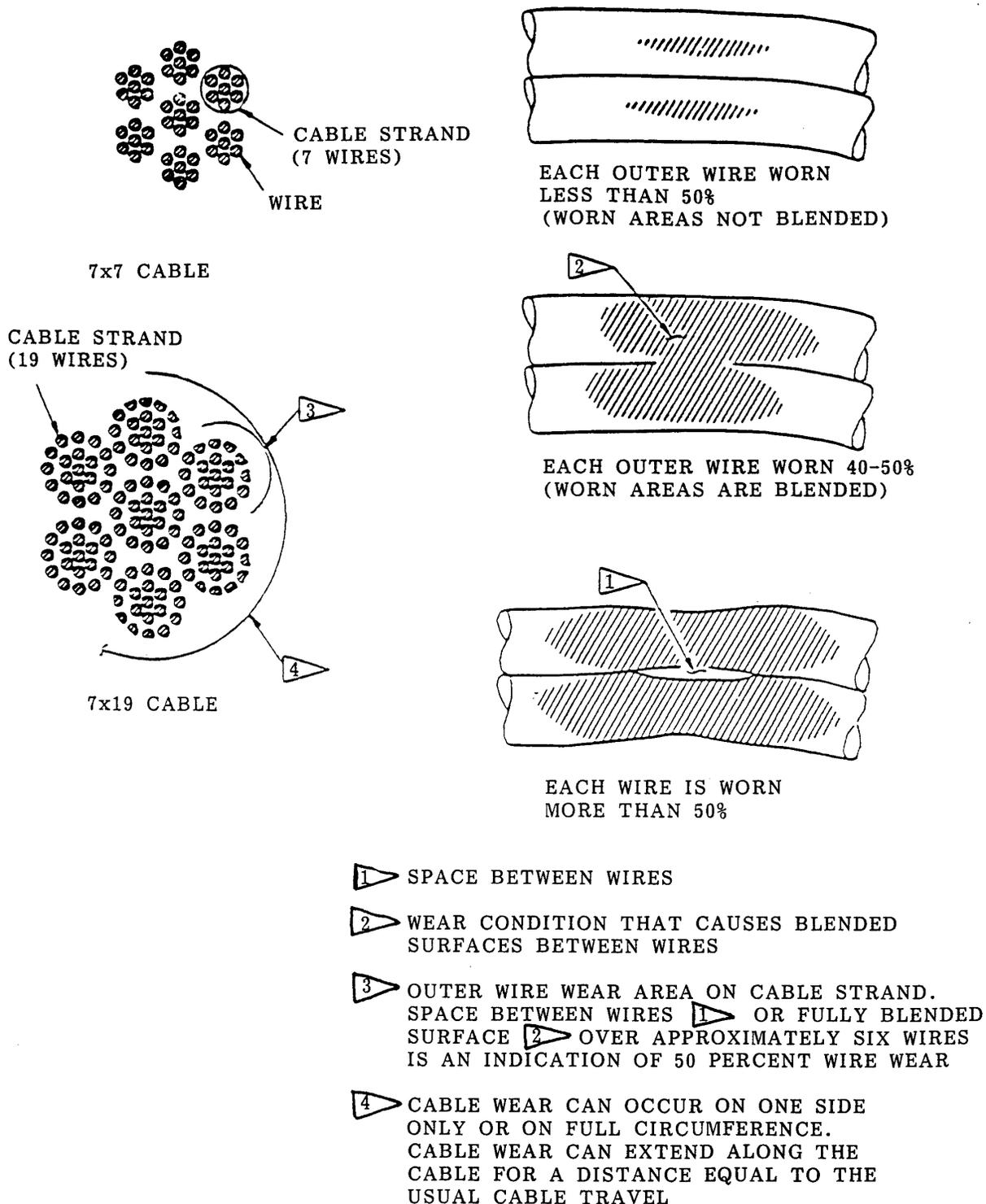


FIGURE 1

Issued in Renton, Washington, on October 4, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26568 Filed 10-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-SW-56-AD; Amendment 39-11371; AD 99-20-13]

RIN 2120-AA64

Airworthiness Directives; Eurocopter Canada Ltd. Model BO 105 LS A-3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 99-20-13, which was sent previously to all known U.S. owners and operators of Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters by individual letters. This AD requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each tension-torsion (TT) strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. This amendment is prompted by an accident in which a main rotor blade (blade) separated from a Eurocopter Deutschland GMBH Model MBB-BK 117 helicopter because of fatigue failure of the TT strap. The Model MBB-BK 117 and the Model BO 105 LS A-3 helicopters use the same part-numbered TT strap. The actions specified by this AD are intended to prevent failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter.

DATES: Effective November 2, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99-20-13, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1999.

Comments for inclusion in the Rules Docket must be received on or before December 17, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-56-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum

Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5128, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: On September 24, 1999, the FAA issued Emergency Priority Letter AD 99-20-13, applicable to Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters, which requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each TT strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. That action was prompted by an accident in which a blade separated from a Eurocopter Deutschland GMBH Model MBB-BK 117 helicopter resulting in three fatalities. The cause of the blade separation was a TT strap fatigue failure within the main rotor head. The Model MBB-BK 117 and the Model BO 105 LS A-3 helicopters use the same part-numbered TT strap. This condition, if not corrected, could result in failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter.

The FAA has reviewed Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 1999 (ASB). The ASB describes procedures for determining the total accumulated installation time and number of flights on each TT strap. The ASB specifies inspecting and replacing, as necessary, certain unairworthy TT straps. Transport Canada Civil Aviation (TCAA), which is the airworthiness authority for Canada, classified that ASB as mandatory and issued AD CF-99-24R1, dated September 22, 1999, applicable to Model BO 105 LS A-3 helicopters.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provision 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, TCCA has kept the FAA informed of the situation described above. The FAA has

examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operations in the United States.

Since the unsafe condition described is likely to exist or develop on other Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters of the same type design, the FAA issued Emergency Priority Letter AD 99-20-13 to prevent failure of a TT strap, loss of a blade, and subsequent loss of control of the helicopter. The AD requires, before further flight, creating a component log card or equivalent record and determining the age and number of flights on each TT strap. The AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. The actions must be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity of the helicopter. Therefore, creating a component log card or equivalent record, determining the age and number of flights on each TT strap, and inspecting and removing, as necessary, certain unairworthy TT straps are required prior to further flight, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on September 24, 1999 to all known U.S. owners and operators of Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The FAA estimates that 27 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour to inspect the 4 TT straps on each helicopter; 15 work hours per helicopter to remove and replace the 4 TT straps, if necessary; and the average labor rate is \$60 per work hour. Required parts will cost approximately \$2,600 per TT strap (\$10,400 per helicopter). Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$306,720; \$1,620 to inspect each helicopter once and \$305,100 to remove and replace the 4 TT straps on all helicopters.

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 should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended 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 No. 99-SW-56-AD." The postcard will be date stamped and returned to the commenter.

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 a new airworthiness directive to read as follows:

AD 99-20-13 Eurocopter Canada, Ltd:
Amendment 39-11371. Docket No. 99-SW-56-AD.

Applicability: Model BO 105 LS A-3 helicopter, with Part Number (P/N) 2604067 (Bendix) or J17322-1 (Lord) rotor tension-torsion (TT) strap, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent main rotor blade (blade) separation due to failure of a TT strap, accomplish the following:

(a) Before further flight:

- (1) Create a component log card or equivalent record for each TT strap.
- (2) Review the history of the helicopter and each TT strap. Determine the age since initial installation on any helicopter (age) and the number of flights on each TT strap. Enter

both the age and the number of flights for each TT strap on the component log card or equivalent record. For the time-in-service (TIS) where the number of flights is unknown, multiply the number of hours TIS by 5 to determine the number of flights. If a TT strap has been previously used at any time on a Model BO 105 LS A-3 'SUPERLIFTER', BO-105 CB-5, BO-105 CBS-5, BO-105 DBS-5, or any MBB-BK 117 series helicopter, multiply the number of flights accumulated on those other models by a factor of 1.6 and then add that result to the number of flights accumulated on the helicopters affected by this AD.

(3) Remove any TT strap from service if the total hours TIS or number of flights and age cannot be determined.

(4) Remove any TT strap from service that has either accumulated 40,000 or more flights or has an age equal to or greater than 216 months.

(b) When a TT strap age is greater than or equal to 120 months and less than 216 months and has accumulated less than 40,000 flights, inspect the TT strap in accordance with the "Accomplishment Instructions," paragraph 2.B.2., of Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 1999 (ASB), according to the following:

(1) If the age is greater than or equal to 120 months but less than 132 months and has less than 35,200 flights, inspect the TT strap within the next 6 weeks. If the number of flights equals or exceeds 35,200, inspect the TT strap before further flight.

(2) If the age is greater than or equal to 132 months but less than 144 months and has less than 30,400 flights, inspect the TT strap within the next 5 weeks. If the number of flights equals or exceeds 30,400, inspect the TT strap before further flight.

(3) If the age is greater than or equal to 144 months but less than 156 months and has less than 25,600 flights, inspect the TT strap within the next 4 weeks. If the number of flights equals or exceeds 25,600, inspect the TT strap before further flight.

(4) If the age is greater than or equal to 156 months but less than 168 months and has less than 20,800 flights, inspect the TT strap within the next 3 weeks. If the number of flights equals or exceeds 20,800, inspect the TT strap before further flight.

(5) If the age is greater than or equal to 168 months but less than 180 months and has less than 16,000 flights, inspect the TT strap within the next 2 weeks. If the number of flights equals or exceeds 16,000, inspect the TT strap before further flight.

(6) If the age is greater than or equal to 180 months but less than 216 months, inspect the TT strap before further flight.

(c) If a defect is found as a result of the inspections of paragraph (b), remove the TT strap from service before further flight.

(d) If no defect is found as a result of the inspection, a maximum of 1,000 flights or 12 months additional time is permitted on a one-time basis before the TT strap must be replaced, provided the limits of paragraph (a)(4) are not exceeded.

(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, Regulations Group, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group, Rotorcraft Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group, Rotorcraft Directorate.

(f) Special flight permits may be issued for up to five flights in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) The TT strap inspections shall be done in accordance with paragraph 2.B.2. of the "Accomplishment Instructions" in Eurocopter Canada Alert Service Bulletin BO 105 LS A-3 No. ASB-BO 105 LS-10-10, dated September 1, 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 2, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99-20-13, issued September 24, 1999, which contained the requirements of this amendment.

Note 3: The subject of this AD is addressed in Transport Canada Civil Aviation, Canada, AD CF-99-24R1, dated September 22, 1999.

Issued in Fort Worth, Texas, on October 4, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99-26713 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-94-AD; Amendment 39-11375; AD 99-21-29]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires modification of the autopilot mode engagement/disengagement lever of the rudder artificial feel unit. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to the failure of the rudder artificial feel unit to properly disengage from autopilot mode during approach and landing.

DATES: Effective November 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 22, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes was published in the **Federal Register** on July 26, 1999 (64 FR 40319). That action proposed to require modification of the autopilot mode engagement/disengagement lever of the rudder artificial feel unit.

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

Two commenters indicate that they are not affected by the proposed rule.

Two commenters support the proposed rule.

Conclusion

After careful review of the available data, including the comments noted

above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 17 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$6,120, or \$360 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

99-21-29 Airbus Industrie: Amendment 39-11375. Docket 99-NM-94-AD.

Applicability: Model A320 series airplanes, certificated in any category, except airplanes on which Airbus Industrie Modification 22624 has been accomplished or on which Modification 21999 was accomplished in production.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to the failure of the rudder artificial feel unit to properly disengage from autopilot mode, accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, modify the rudder artificial feel unit in accordance with Airbus Industrie Service Bulletin A320-27-1042, Revision 3, dated April 7, 1999.

Note 2: Accomplishment of the modification, prior to the effective date of this AD, in accordance with Airbus Industrie Service Bulletin A320-27-1042, dated March 21, 1992, Revision 1, dated June 6, 1998, or Revision 2, dated November 4, 1998, is considered acceptable for compliance with the requirements of this AD.

Spares

(b) As of the effective date of this AD, no person shall install an artificial feel unit having part number D2727040000600, D2727040000651, D2727040000800, or D2727040000851 on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

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

Special Flight Permits

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

Incorporation by Reference

(e) The modification shall be done in accordance with Airbus Industrie Service Bulletin A320-27-1042, Revision 3, dated April 7, 1999, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-4	3	April 7, 1999.
5-7	2	November 4, 1998.
8-11	1	June 12, 1998.

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 Airbus Industrie, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 4: The subject of this AD is addressed in French airworthiness directive 1999-075-128(B), dated February 24, 1999.

(f) This amendment becomes effective on November 22, 1999.

Issued in Renton, Washington, on October 7, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26864 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NM-25-AD; Amendment 39-11374; AD 99-21-28]

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: Final rule.

SUMMARY: This amendment supersedes 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. This amendment requires accomplishment of the previous optional terminating action. This amendment is prompted by a pilot's report of errors in the glide slope deviation provided by an ILS receiver. The actions specified by this AD 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: Effective November 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 22, 1999.

ADDRESSES: 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-17-05, amendment 39-10707 (63 FR 43294, August 13, 1998), which is applicable to certain Airbus Model A319, A320, A321, A330, and A340 series airplanes, was published in the **Federal Register** on August 17, 1999 (64 FR 44663). The action proposed to 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 action proposed to continue to require replacement of any faulty ILS receiver with a new, serviceable, or modified unit. The action proposed to 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.

Comments

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

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 191 airplanes of U.S. registry that will be affected by this 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 required by this AD action will take approximately 5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$157 per airplane. Based on these figures, the cost impact of the

replacement required 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 requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 removing amendment 39-10707 (63 FR 43294, August 13, 1998), and by adding a new airworthiness directive (AD),

amendment 39-11374, to read as follows:

99-21-28 Airbus Industrie: Amendment 39-11374. 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 unannounced 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.

Incorporation by Reference

(f) The replacement shall be done in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4431 (RIA-35B-34-7), Revision 1, dated May 1998. 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 AlliedSignal Aerospace, Technical Publications, Dept. 65-70, P.O. Box 52170, Phoenix, Arizona 85072-2170. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 22, 1999.

Issued in Renton, Washington, on October 7, 1999.

D. L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26865 Filed 10-15-99; 8:45 am]
BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-324-AD; Amendment 39-11373; AD 99-21-27]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model DHC-8-311 and -315 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model DHC-8-311 and -315 series airplanes,

that currently requires replacement of the nitrogen cylinder assemblies that inflate the airplane's ditching dams with improved nitrogen cylinder assemblies. This amendment expands the applicability of the existing AD. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the ditching dams to inflate fully during an emergency water landing, which could result in water entering the airplane.

DATES: Effective November 22, 1999.

The incorporation by reference of Bombardier Service Bulletin S.B. 8-25-122, dated October 10, 1997, listed in the regulations, was approved previously by the Director of the Federal Register as of July 8, 1998 (63 FR 30121, June 3, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7520; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-11-25, amendment 39-10550 (63 FR 30121, June 3, 1998), which is applicable to certain Bombardier Model DHC-8-311 and -315 series airplanes, was published in the **Federal Register** on August 12, 1999 (64 FR 43959). The action proposed to supersede AD 98-11-25 to continue to require replacement of the nitrogen cylinder assemblies that inflate the airplane's ditching dams with improved nitrogen cylinder assemblies. That action also proposed to expand the applicability of the existing AD.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 2 airplanes of U.S. registry that will be affected by this AD.

The replacement that is currently required by AD 98-11-25, and retained in this AD, will take approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer of the nitrogen cylinder assembly at no cost to the operator. Based on these figures, the cost impact of the replacement currently required on U.S. operators is estimated to be \$480, or \$240 per airplane.

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

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 removing amendment 39-10550 (63 FR 30121, June 3, 1998), and by adding a new airworthiness directive (AD), amendment 39-11373, to read as follows:

99-21-27 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39-11373. Docket 98-NM-324-AD. Supersedes AD 98-11-25, Amendment 39-10550.

Applicability: Model DHC-8-311 and -315 series airplanes in the medium and high gross weight configuration, on which Bombardier Change Request CR803SO00001, CR803SO00001-1, CR803SO00002, CR803SO00002-1, CR803CH00046, CR803CH00079, CR803CH00105, CR825CH00847, or CR803CH00051 has been incorporated; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 failure of the ditching dams to inflate fully during an emergency water landing, which could result in water entering the airplane, accomplish the following:

Restatement of the Requirements of AD 98-11-25, Amendment 39-10550

(a) For airplanes in the medium and high gross weight configuration, on which Bombardier Change Request CR803SO00001, CR803SO00002, CR803CH00046, CR803CH00079, CR803CH00105, CR825CH00847, or CR803CH00051 has been incorporated: Within 6 months after July 8,

1998 (the effective date of AD 98-11-25), replace the existing nitrogen cylinder assembly on the ditching dams with a new nitrogen cylinder assembly that incorporates an improved valve assembly (reference de Havilland Modification 8/3154), in accordance with de Havilland Service Bulletin S.B. 8-25-122, dated October 10, 1997.

(b) For airplanes in the medium and high gross weight configuration, on which Bombardier Change Request CR803SO00001, CR803SO00002, CR803CH00046, CR803CH00079, CR803CH00105, CR825CH00847, or CR803CH00051 has been incorporated: As of July 8, 1998, no person shall install on any airplane any nitrogen cylinder assembly having part number (P/N) 410870(BSC) or 410870-1.

New Requirements of This AD

Replacement

(c) For airplanes other than those identified in paragraph (a) of this AD: Within 6 months after the effective date of this AD, replace the existing nitrogen cylinder assembly on the ditching dams with a new nitrogen cylinder assembly having P/N 410870-3 or -5, that incorporates an improved valve assembly (reference de Havilland Modification 8/3154), in accordance with de Havilland Service Bulletin S.B. 8-25-122, dated October 10, 1997.

Spares

(d) For airplanes other than those identified in paragraph (a) of this AD: As of the effective date of this AD, no person shall install on any airplane any nitrogen cylinder assembly having P/N 410870(BSC) or 410870-1.

Alternative Methods of Compliance

(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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(f) 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

(g) The replacement shall be done in accordance with de Havilland Service Bulletin S.B. 8-25-122, dated October 10, 1997. This incorporation by reference was approved previously by the Director of the Federal Register as of July 8, 1998 (63 FR 30121, June 3, 1998). Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard,

Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; 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 Canadian airworthiness directive CF-97-21R1, dated July 22, 1998.

(h) This amendment becomes effective on November 22, 1999.

Issued in Renton, Washington, on October 7, 1999.

D. L. Rigglin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-26866 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-209-AD; Amendment 39-11372; AD 99-21-26]

RIN 2120-AA64

Airworthiness Directives; Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions. This amendment adds a requirement to modify the airplane ice protection system. This amendment also removes Model MU-300 airplanes from the applicability of the existing AD. This amendment is prompted by the development of a modification that will positively address the unsafe condition. The actions specified by this AD are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

DATES: Effective November 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 22, 1999.

ADDRESSES: The service information referenced in this AD may be obtained

from Raytheon Aircraft Company, Technical Services—Beech; P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tina L. Miller, Aerospace Engineer, Flight Test Branch, ACE-117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4168; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-25-10, amendment 39-9094 (59 FR 64112, December 13, 1994), which is applicable to all Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 airplanes, and all Mitsubishi Model MU-300 airplanes, was published in the **Federal Register** on February 26, 1997 (62 FR 8650). That action proposed to continue to require a revision to the Airplane Flight Manual (AFM) to provide pilots with special operating procedures during icing conditions, and proposed to require modification of the horizontal stabilizer ice protection system. That action also proposed to remove Model MU-300 airplanes from the applicability of the existing AD. [The FAA is in the process of issuing separate rulemaking action (Docket 96-NM-210-AD) for Model MU-300 airplanes that will require, among other things, certain AFM revisions and installation of an ice detector on those airplanes.] That proposal was prompted by the development of a modification that will positively address the unsafe condition. The proposed requirements of that action are intended to prevent uncommanded nose-down pitch at certain flap settings during icing conditions.

Actions Since the Issuance of the NPRM

The FAA has reviewed and approved Raytheon Service Instructions No. T-1A-0064 (undated). This service information describes procedures for installation of an additional anti-ice control valve and pressure switch for the bleed air supply in the aft fuselage compartment, and an ice detector on the

nose of the aircraft, and related annunciators, relays, a selector switch, and electrical wiring in the flight compartment and fuselage areas. In addition, the service information contains a "Note" that provides procedures to perform if icing conditions are encountered during flight.

Comments to the NPRM

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

Request To Delay Issuance of the Final Rule

One commenter requests that the FAA delay the issuance of the final rule until a new modification of the horizontal stabilizer icing protection system is available for field installation on the Model 400T. The commenter states that such a modification would require less down time of the airplane and lower costs to the operator.

The FAA considers that a delay in issuance of this final rule is unnecessary. The FAA considers that accomplishment of the actions required by the existing AD were adequate to prevent uncommanded nose-down pitch at certain flap settings during icing conditions in the interim until the modification required by this final rule could be accomplished. However, as noted in the proposal, accomplishment of the modification of the ice protection system improves the ice protection of the horizontal stabilizer. Since such a modification is now available for Model 400T airplanes, the FAA has determined that it is appropriate to add a provision for accomplishment of this modification in this final rule. Paragraph (b)(2) of this AD has been revised accordingly.

Request To Revise the Cost Impact Paragraph

This same commenter requests that the FAA revise the number of airplanes specified in the Cost Impact paragraph of the proposal to reflect the actual number of airplanes affected by the proposal. The manufacturer notes that there are currently 360 Raytheon (Beech) Model 400, 400A, and 400T airplanes and MU-300-10 airplanes in the worldwide fleet, 64 Model 400 and MU-300-10 airplanes, 107 Model 400A airplanes, and 189 Model 400T airplanes of U.S. Registry.

The FAA concurs with revising the number of airplanes, and the resulting revision of the cost estimate figures involved. However, since the submittal of the manufacturer's initial comments,

the manufacturer has updated the correct number of airplanes again. The FAA has revised the Cost Impact paragraph of the final rule to specify the latest number of airplanes and the consequent revision of the cost estimate figures.

Request To Revise the Description of the Ice Protection System

This same commenter also requests that the description of the ice protection specified in the Summary section of the proposed rule be clarified from "horizontal stabilizer ice protection system * * *" to specify "airplane ice protection system." The manufacturer states that the proposal refers not only to the horizontal stabilizer ice protection, but pertains to the entire airplane's ice protection system.

The FAA acknowledges that the actions specified in the final rule apply to the entire "airplane" ice protection system, although the modification applies primarily to the horizontal stabilizer ice protection system. The FAA has revised the final rule to reflect the description of the modification as the "airplane ice protection system."

Additional Change to the Final Rule

As discussed previously, the FAA has reviewed and approved Raytheon Service Instructions No. T-1A-0064 (undated), which describes procedures for modification of the airplane ice protection system. The FAA has added the service instruction as the appropriate source of service information for accomplishment of the requirements of paragraph (b)(2) of this final rule.

Conclusion

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

Cost Impact

There are approximately 388 Raytheon (Beech) Model 400, 400A, 400T, and MU-300-10 airplanes of the affected design in the worldwide fleet.

The FAA estimates that 64 Model 400 and MU-300-10 airplanes, 90 Model 400A airplanes, and 183 Model 400T airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 94-25-10 (AFM revision) take 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 on U.S. operators of the actions currently required is estimated to be \$20,220, or \$60 per airplane.

For Model 400, 400A, and MU-300-10 airplanes: The modification that is required by this AD will take approximately 320 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost between \$37,000 and \$45,000 per airplane. Based on these figures, the cost impact on the requirements of this AD for U.S. operators of those airplanes is estimated to be between \$8,654,800 and \$9,886,800, or between \$56,200 and \$64,200 per airplane.

For Model 400T airplanes: The modification required by this AD will take approximately 360 work hours per airplane to accomplish, at an average rate of \$60 per work hour. Required parts will cost approximately \$40,000 per airplane. Based on these figures, the cost impact of the AD on U.S. operators of those airplanes is estimated to be \$11,272,800, or \$61,600 per airplane. However, the FAA has been advised that, for Model 400T airplanes, the manufacturer has committed previously to its customers that it will bear the cost of replacement parts and labor costs necessary to accomplish the replacement of those parts. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figure indicated above.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic

impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 removing amendment 39-9094 (59 FR 64112, December 13, 1994), and by adding the following new airworthiness directive (AD), amendment 39-11372, to read as follows:

99-21-26 Raytheon Aircraft Company

(Formerly Beech): Amendment 39-11372. Docket 96-NM-209-AD. Supersedes AD 94-25-10, Amendment 39-9094.

Applicability: All Model 400, 400T, and MU-300-10 airplanes; and Model 400A airplanes having serial numbers RK-1 through RK-107 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 (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 uncommanded nose-down pitch at certain flap settings during icing conditions, accomplish the following:

(a) Within 20 days after December 28, 1994 (the effective date of AD 94-25-10, amendment 39-9094), revise the Limitations

Section and Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following text. This may be accomplished by inserting a copy of this AD in the AFM.

"ICING CONDITIONS

If icing conditions are encountered during flight, no greater than 10 degrees flaps may be utilized for landing unless the following conditions are met:

1. The icing conditions were encountered for less than 10 minutes, and the Ram Air Temperature (RAT) during such encounter was warmer than -8 degrees C.

Or

2. A RAT of $+5$ degrees C or warmer is observed during approach and landing.

If either of the above two conditions is met, 30 degrees flaps may be utilized for landing. Otherwise:

Flaps (landing flaps setting)	10 degrees
Land Select (LAND SEL) Switch.	Flaps 10 degrees

Use landing data for 10 degrees flaps from Appendix 1 of this AD."

(b) Within 2 years after the effective date of this AD, accomplish the actions specified in paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For Model 400, 400A, and MU-300-10 airplanes: Modify the airplane ice protection system in accordance with Beechcraft Service Bulletin No. 2600, dated November 1995. Accomplishment of this modification constitutes terminating action for the AFM revision required by paragraph (a) of this AD. Following such accomplishment, that AFM revision may be removed from the AFM.

(2) For Model 400T airplanes: Accomplish the actions specified in accordance with either paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) Accomplish the actions specified in paragraph (b)(2)(i)(A) and (b)(2)(i)(B) of this AD.

(A) Revise the Limitations Section and Normal Procedures Section of the FAA-approved Airplane Flight Manual (AFM) to include the following text. This may be accomplished by inserting a copy of this AD in the AFM. Following such accomplishment, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

"ICING CONDITIONS

If icing conditions are encountered during flight, no greater than 10 degrees flaps may be utilized for landing unless the following conditions are met:

1. The icing conditions were encountered for less than 10 minutes, and the Ram Air Temperature (RAT) during such encounter was warmer than -8 degrees C.

Or

2. A RAT of $+5$ degrees C or warmer is observed during approach and landing.

If either of the above two conditions is met, 30 degrees flaps may be utilized for landing.

Note: Do not operate anti-ice system at ram air temperatures greater than 50 degrees F (10 degrees C) unless in actual icing conditions, as indicated by the illumination of the ICING annunciator or airframe ice accumulation."

(B) Modify the airplane ice protection system in accordance with Raytheon Beech Service Instructions No. T-1A-0064 (undated). Accomplishment of the modification does not constitute terminating action for the requirement to revise the AFM in accordance with paragraph (b)(2)(i)(A) of this AD.

(ii) Modify the airplane ice protection system in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permits

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

Incorporation by Reference

(e) Except as provided by paragraphs (a), (b)(2)(i)(A), and (b)(2)(ii) of this AD, the actions shall be done in accordance with Beechcraft Service Bulletin No. 2600, dated November 1995, or Raytheon Service Instructions No. T-1A-0064 (undated). 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 inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 22, 1999.

BILLING CODE 4910-13-U

APPENDIX 1

MODEL 400A (RK-24 AND AFTER) AND 400T

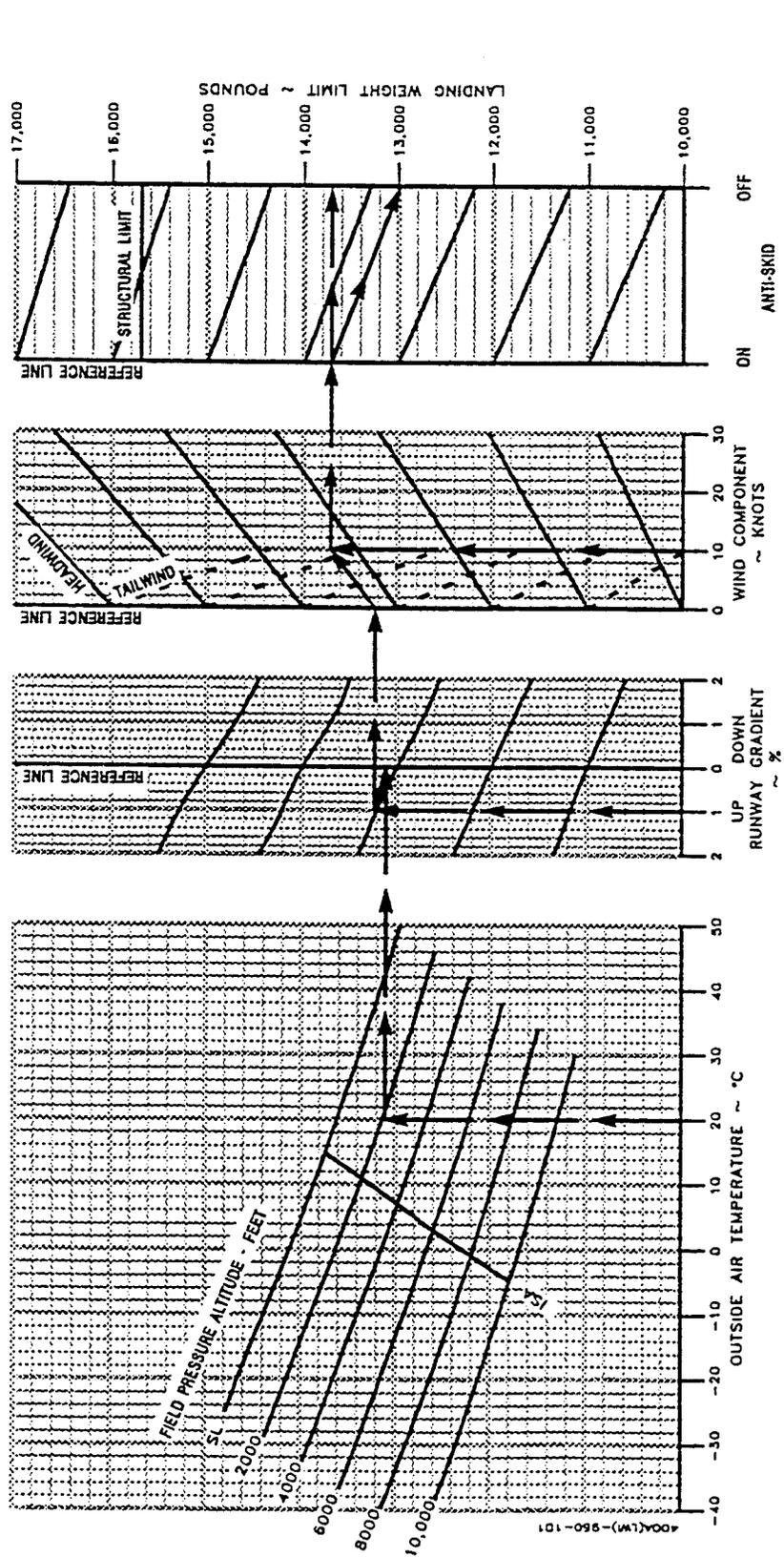
MAXIMUM LANDING WEIGHT LIMITED BY MAXIMUM BRAKE ENERGY

ASSOCIATED CONDITIONS:
BRAKING . . . MAXIMUM

FLAPS 10°

EXAMPLE:

- OAT 20°C
- FIELD PRESSURE ALTITUDE 2000 FT
- RUNWAY GRADIENT 1% UP
- HEADWIND 10 KTS
- LANDING WEIGHT LIMIT:
ANTI-SKID (ON) 13,715 LBS
ANTI-SKID (OFF) 13,000 LBS



MODEL 400A (RK-24 AND AFTER) AND 400T

ASSOCIATED CONDITIONS:

- THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT.
- AT 50 FT, RETARD TO IDLE.
- RUNWAY PAVED, DRY SURFACE
- VREF KIAS AS TABULATED
- BRACING MAXIMUM

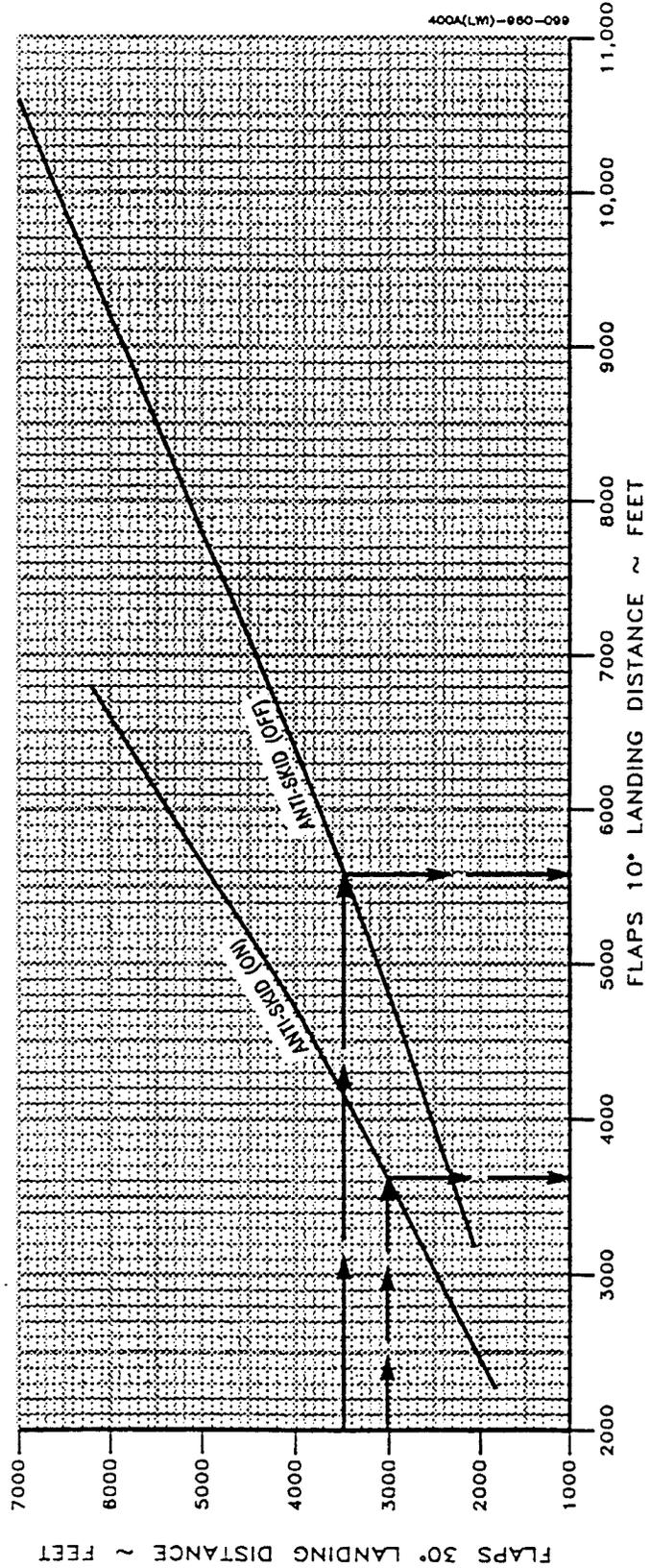
NOTE: TO DETERMINE THE FLAPS 10° LANDING DISTANCE, READ FROM THE "LANDING DISTANCE" GRAPH FOR THE APPROPRIATE FLAP 30° DISTANCE. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING DISTANCE.

LANDING DISTANCE - FLAPS 10°

WEIGHT ~ POUNDS	VREF ~ KNOTS
16,100	133
15,700	131
15,000	128
14,000	124
13,000	119
12,000	114
11,000	110
10,000	104

EXAMPLE:

FLAPS 30° LANDING DISTANCE	3020 FT
ANTI-SKID (ON)	3480 FT
ANTI-SKID (OFF)	13,000 LBS
LANDING WEIGHT	3672 FT
FLAPS 10° LANDING DISTANCE	5860 FT
ANTI-SKID (ON)	119 KTS
ANTI-SKID (OFF)	
VREF	



MODEL 400A (RK-24 AND AFTER) AND 400T

LANDING BRAKE ENERGY - FLAPS 10°

ASSOCIATED CONDITIONS:

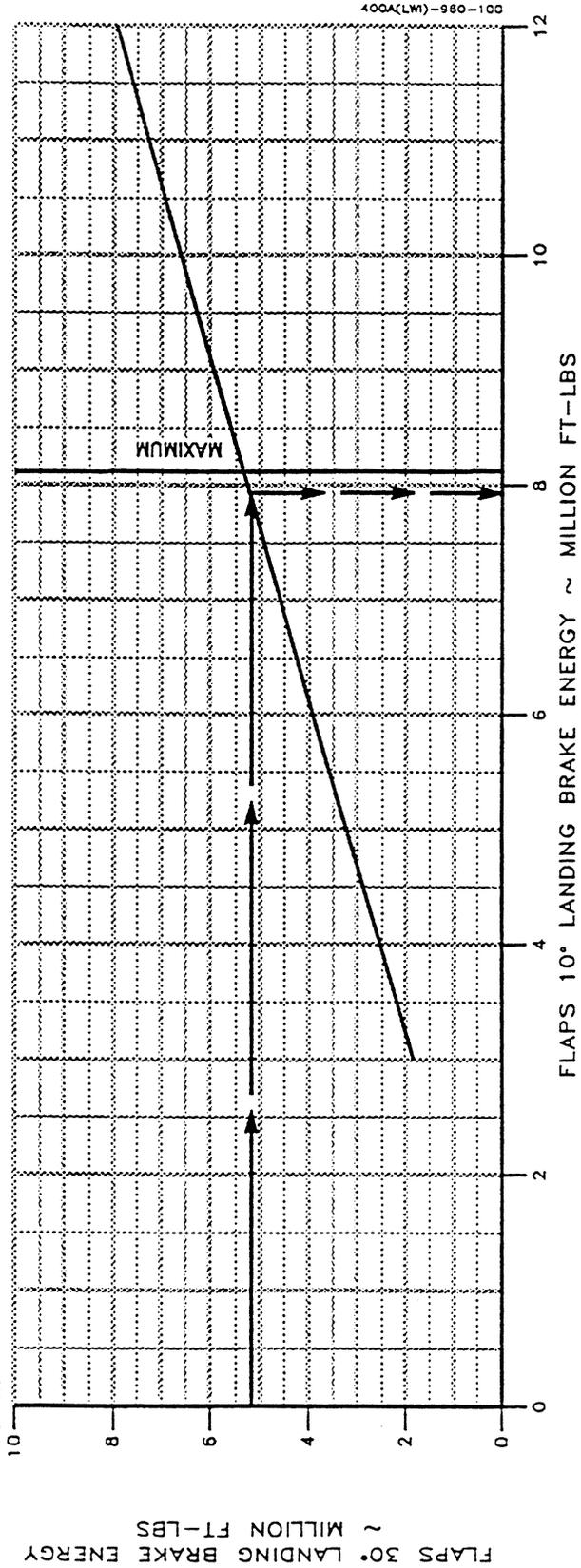
- THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT. AT 50 FT, RETARD TO IDLE.
- RUNWAY PAVED, DRY SURFACE
- BRAKING MAXIMUM
- ANTI-SKID (ON) OR (OFF)

EXAMPLE:

- LANDING BRAKE ENERGY
- ANTI-SKID (ON) 5.18 MIL FT-LBS
- FLAPS 10° LANDING BRAKE ENERGY
- ANTI-SKID (ON) 7.93 MIL FT-LBS

NOTES: 1. MAXIMUM LANDING BRAKE ENERGY = 8.12 MILLION FT-LBS.

- 2. TO DETERMINE THE FLAPS 10° LANDING BRAKE ENERGY, READ FROM THE "LANDING BRAKE ENERGY" GRAPH FOR THE APPROPRIATE FLAP 30° LANDING BRAKE ENERGY. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING BRAKE ENERGY.



MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

LANDING FIELD LENGTH - FLAPS 10°

ASSOCIATED CONDITIONS:

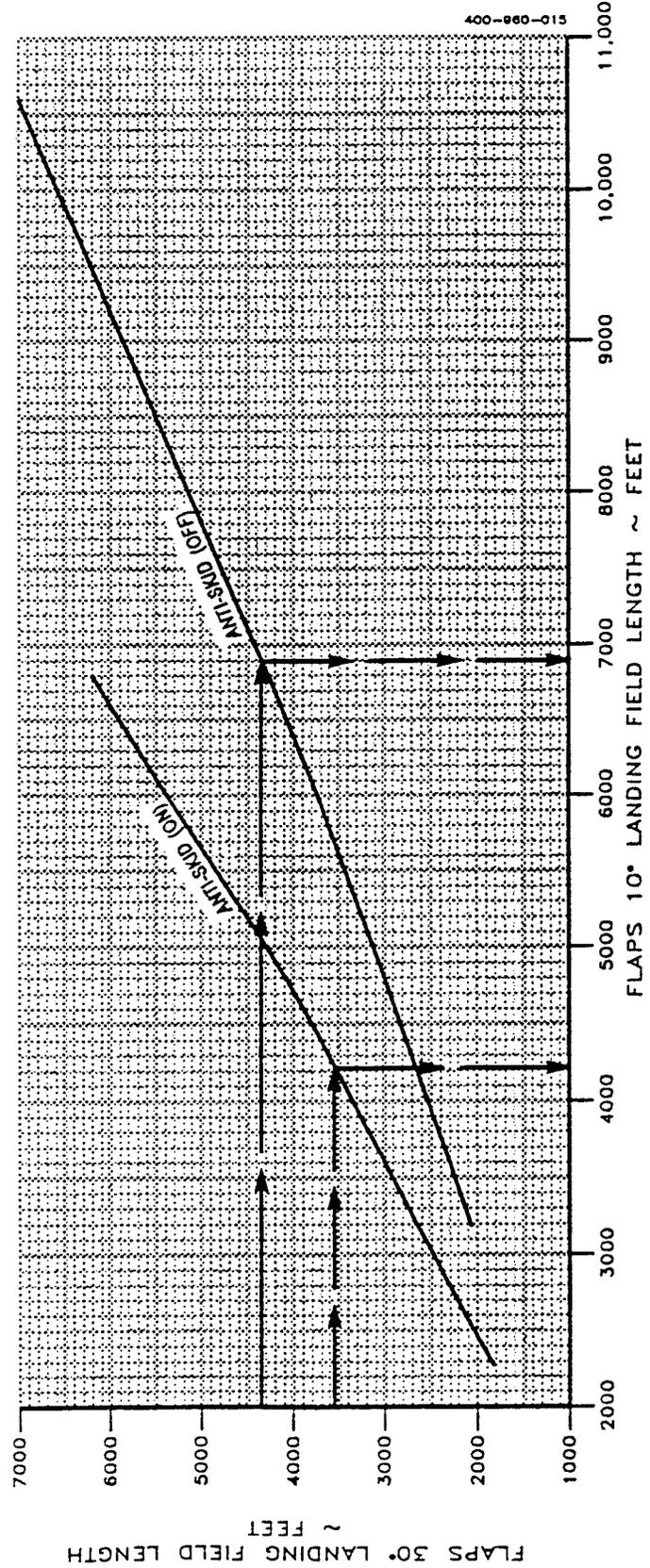
- THRUST ... RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT.
- AT 50 FT, RETARD TO IDLE.
- RUNWAY ... PAVED, DRY SURFACE
- V_{REF} ... KIAS AS TABULATED
- BRACING ... MAXIMUM

EXAMPLE:

FLAPS 30° LANDING FIELD LENGTH	
ANTI-SKID (ON)	3550 FT
ANTI-SKID (OFF)	4350 FT
LANDING WEIGHT	13,700 LBS
FLAPS 10° LANDING FIELD LENGTH	
ANTI-SKID (ON)	4214 FT
ANTI-SKID (OFF)	6892 FT
V _{REF}	124 KTS

WEIGHT ~ POUNDS	V _{REF} ~ KNOTS
15,780	133
14,220	126
13,000	121
12,000	116
11,000	112
10,000	106
9000	101

NOTE: TO DETERMINE THE FLAPS 10° LANDING FIELD LENGTH, READ FROM THE "LANDING FIELD LENGTH" GRAPH FOR THE APPROPRIATE FLAP 30° FIELD LENGTH. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING FIELD LENGTH.



MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

LANDING BRAKE ENERGY - FLAPS 10°

ASSOCIATED CONDITIONS:

THRUST RETARDED TO MAINTAIN 3° APPROACH ANGLE TO 50 FT. AT 50 FT, RETARD TO IDLE.

RUNWAY PAVED, DRY SURFACE

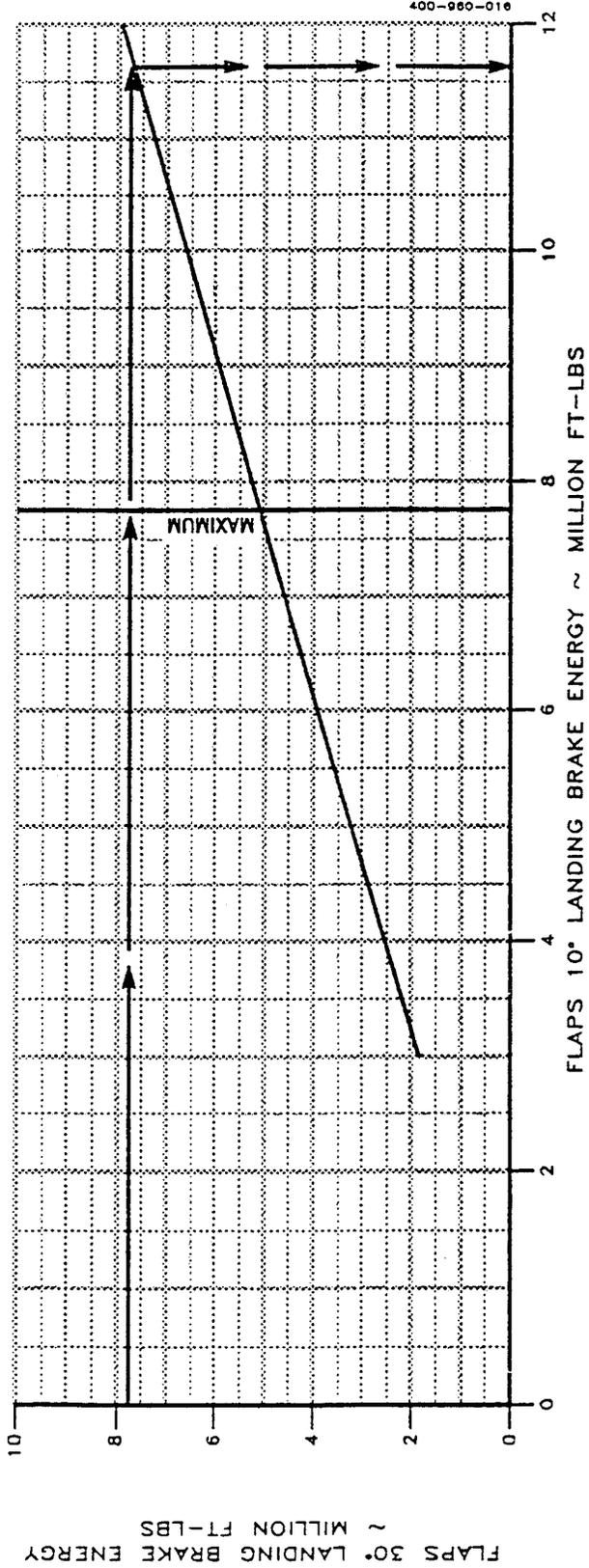
BRAKING MAXIMUM

ANTI-SKID (ON) OR (OFF)

NOTES: 1. MAXIMUM LANDING BRAKE ENERGY = 7.76 MILLION FT-LBS.

2. TO DETERMINE THE FLAPS 10° LANDING BRAKE ENERGY, READ FROM THE "LANDING BRAKE ENERGY" GRAPH FOR THE APPROPRIATE FLAP 30° LANDING BRAKE ENERGY. THEN ENTER THE GRAPH BELOW WITH THAT VALUE, AND READ THE FLAPS 10° LANDING BRAKE ENERGY.

EXAMPLE:
 LANDING BRAKE ENERGY
 ANTI-SKID (ON) 7.75 MIL FT-LBS
 FLAPS 10° LANDING BRAKE ENERGY
 ANTI-SKID (ON) EXCEEDS MAXIMUM



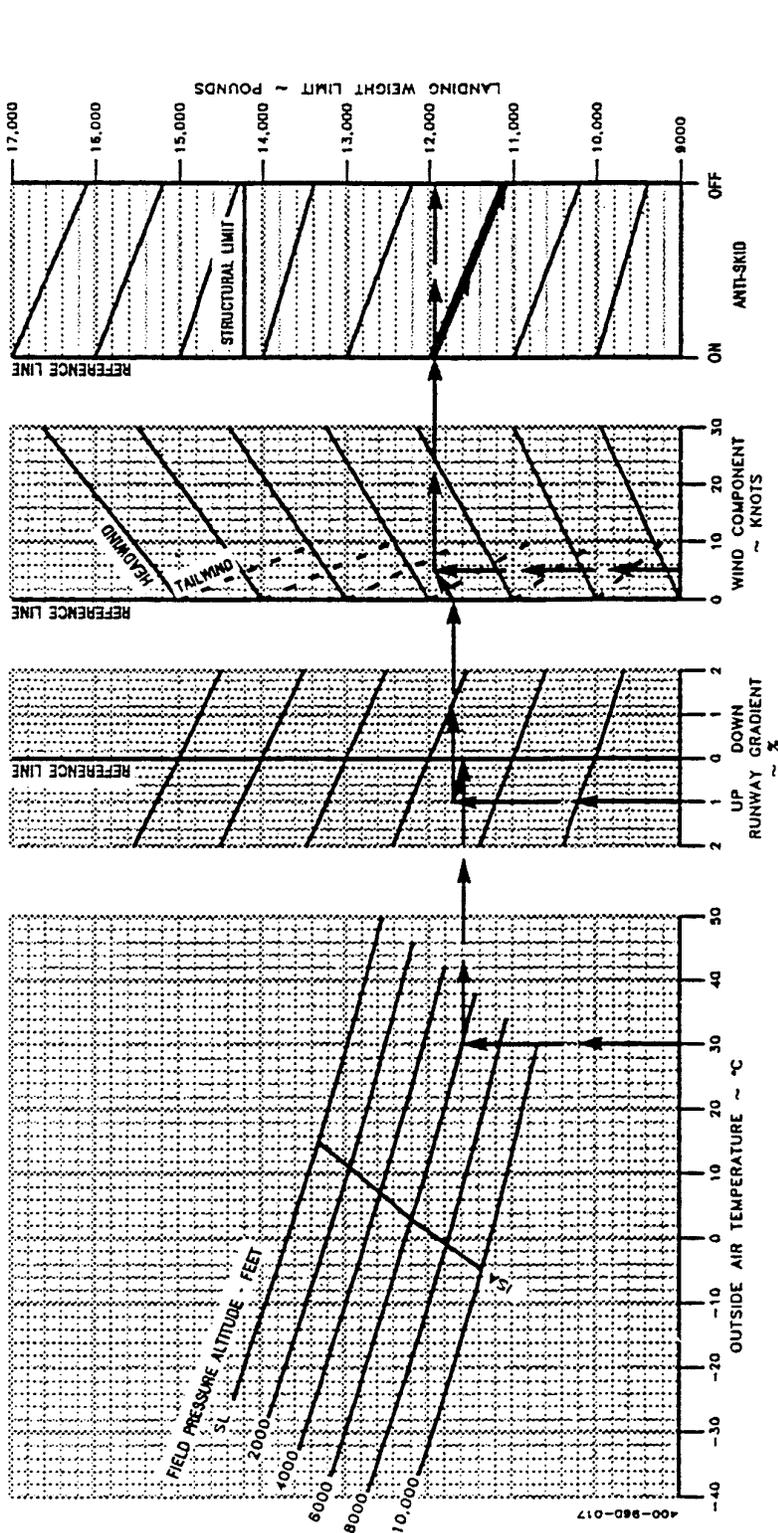
MODEL 400A (RK-1 THRU RK-23), 400, AND MU-300-10

MAXIMUM LANDING WEIGHT LIMITED BY MAXIMUM BRAKE ENERGY FLAPS 10°

ASSOCIATED CONDITIONS:
BRAKING . . . MAXIMUM

EXAMPLE:

OAT 30°C
 FIELD PRESSURE ALTITUDE 6000 FT
 RUNWAY GRADIENT 1% UP
 HEADWIND 5 KTS
 LANDING WEIGHT LIMIT:
 ANTI-SKID (ON) 11,940 LBS
 ANTI-SKID (OFF) 11,100 LBS



Issued in Renton, Washington, on October 7, 1999.

D.L. Riggins,
 Acting Manager, Transport Airplane
 Directorate, Aircraft Certification Service.
 [FR Doc. 99-26867 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-13-C

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 385

[Docket No. RM98-1-000]

Regulations Governing Off-the-Record Communications; Correction

October 12, 1999.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule: correction.

SUMMARY: This document makes corrections to several footnotes in a final rule published in the **Federal Register** of September 22, 1999 (64 FR 51222) regarding regulations governing off-the-record communications.

DATES: Effective October 22, 1999.

FOR FURTHER INFORMATION CONTACT:

David R. Dickey, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (202) 208-2140.

SUPPLEMENTARY INFORMATION: In rule FR Doc. 99-24616 published on September 22, 1999 (64 FR 51223), make the following corrections:

1. On page 51223, in the first column, correct footnote 6 to the preamble to read as follows:

⁶ 18 CFR 385.1404

2. On page 51223, in the first column, correct footnote 7 to the preamble to read as follows:

⁷ *Id.*

3. On page 51234, in the second column, correct amendatory instruction 5 to read as follows:

5. Section 385.1404 is removed.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 99-27040 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 98F-0749]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Ion Exchange Resins

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of the ion exchange resin, methylacrylate-divinyl benzene diethylene glycol divinyl ether terpolymer containing not less than 3.5 percent by weight of divinyl benzene and not more than 0.6 percent by weight of diethylene glycol divinyl ether, aminolyzed with dimethylaminopropylamine (DMAPA) to treat water and aqueous foods without limits on the conditions of use, and with a specification for DMAPA, an impurity in the ion exchange resin. This action is in response to a petition filed by Rohm and Haas Co.

DATES: This regulation is effective October 18, 1999; written objections and requests for a hearing by November 17, 1999. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in 173.25(b)(2) (21 CFR 173.25(b)(2)), effective October 18, 1999.

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

FOR FURTHER INFORMATION CONTACT:

James C. Wallwork, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3078.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 15, 1998 (63 FR 49360), FDA announced that a food additive petition (FAP 8A4609) had been filed by Rohm and Haas Co., 100 Independence Mall West, Philadelphia, PA 19106-2399. The petition proposed to amend the food additive regulations in § 173.25 *Ion exchange resins* to provide for the safe use of the ion exchange resin, methylacrylate-divinyl benzene diethylene glycol divinyl ether terpolymer, identified in § 173.25(a)(16), to treat water and aqueous foods as described in § 173.25(b)(2), without limits on the conditions of use, and with a specification for DMAPA, an impurity in the ion exchange resin.

The ion exchange resin is currently approved in § 173.25(a)(16) and (b)(2) as an ion exchange resin used to treat water and aqueous food only of the types identified under categories I, II, and VI-B in Table 1 of § 176.170(c), provided that the temperature of the water or food passing through the resin bed is maintained at 50 °C or less and the flow rate of the water or food

passing through the beds is not less than 0.5 gallon per cubic foot per minute. Rohm and Haas Co. has requested that the regulation in § 173.25(b)(2) be amended to provide for use of the ion exchange resin bed without the restrictions on temperature and flow rate, but with establishment of a specification of no more than 1 milligram (mg)/kilogram of DMAPA when extracted into a food-simulating solvent and when measured by the method that is incorporated by reference.

FDA estimates that the petitioned use of the ion exchange resin will result in an estimated daily intake for DMAPA of 0.2 mg per person per day (p/d) for the 90th percentile consumer, assuming that all foods will be processed with this resin. This exposure is well below the acceptable daily intake of 30 mg/p/d established by toxicology studies submitted with the previous petitions for this resin.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the ion exchange resin, methylacrylate-divinyl benzene diethylene glycol divinyl ether terpolymer containing not less than 3.5 percent by weight of divinyl benzene and not more than 0.6 percent by weight of diethylene glycol divinyl ether, aminolyzed with DMAPA, to treat water and aqueous foods without limits on the conditions of use, and with a specification for DMAPA, an impurity in the ion exchange resin, is safe, the ion exchange resin will achieve its intended effect, and therefore, that the regulations in § 173.25 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for FAP 8A4609 (63 FR 49360). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human

environment and that an environmental impact statement is not required.

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.

Any person who will be adversely affected by this regulation may at any time on or before November 17, 1999, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

2. Section 173.25 is amended by adding paragraphs (b)(2)(i) and (b)(2)(ii) to read as follows:

§ 173.25 Ion-exchange resins.

- * * * * *
- (b) * * *
- (2) * * *

(i) The ion-exchange resin identified in paragraph (a)(13) of this section is used to treat water and aqueous food only of the types identified under categories I, II, and VI-B in Table 1 of § 176.170(c) of this chapter: *Provided*, That the temperature of the water or food passing through the resin bed is maintained at 50 °C or less and the flow rate of the water or food passing through the bed is not less than 0.5 gallon per cubic foot per minute.

(ii) The ion-exchange resin identified in paragraph (a)(16) of this section is used to treat water and aqueous food only of the types identified under categories I, II, and VI-B in Table 1 of § 176.170(c) of this chapter, *Provided*, that either:

(A) The temperature of the water or food passing through the resin bed is maintained at 50 °C or less and the flow rate of the water or food passing through the bed is not less than 0.5 gallon per cubic foot per minute; or

(B) Extracts of the resin will be found to contain no more than 1 milligram/kilogram dimethylaminopropylamine in each of the food simulants, distilled water and 10 percent ethanol, when, following washing and pretreatment of the resin in accordance with § 173.25(c)(1), the resin is subjected to the following test under conditions simulating the actual temperature and flow rate of use: "The Determination of 3-Dimethylaminopropylamine in Food Simulating Extracts of Ion Exchange Resins," February 4, 1998, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Petition Control (HFS-215), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

* * * * *

Dated: September 28, 1999.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 99-26885 Filed 10-15-99; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6460-5]

RIN 2060-AC31

National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to receipt of adverse comments, EPA is withdrawing an August 19, 1999 direct final rule (64 FR 45187) which would have amended the "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning." The direct final rule would have provided additional compliance options for continuous web cleaning machines, as well as clarifications that apply to steam-heated vapor cleaning machines and to cleaning machines used to clean transformers.

DATES: As of October 18, 1999, EPA withdraws the direct final rule published at 64 FR 45187 on August 19, 1999.

ADDRESSES: Docket A-92-39 containing information pertaining to this rulemaking is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding holidays. The docket is located in the EPA's Air and Radiation Docket and Information Center, Room M-1500, 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Almodovar, Coatings and Consumer Products Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0283. Electronic mail address is almodovar.paul@epa.gov.

SUPPLEMENTARY INFORMATION: On August 19, 1999 EPA published a direct final rule (64 FR 45187) to amend the "National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning." This amendment would provide additional compliance options for continuous web cleaning machines, as well as clarifications that apply to steam-heated vapor cleaning machines and to cleaning machines used to clean transformers.

The EPA stated in the direct final rule that if relevant adverse comments were

received by September 20, 1999, the EPA would publish a notice withdrawing the direct final rule before its effective date of October 18, 1999. The EPA received adverse comments on the direct final rule from two commenters on September 20, 1999 and is, therefore, withdrawing the direct final rule. The EPA will address these comments in a final rule addressing additional compliance options for continuous web cleaning machines before December 2, 1999, the date on which the compliance extension for these types of machines expires.

Dated: October 13, 1999.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 99-27189 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6456-8]

Vermont: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule, correction.

SUMMARY: On September 24, 1999 (64 FR 51702), EPA published an immediate final rule authorizing revisions to Vermont's hazardous waste management program under the Resource Conservation and Recovery Act (RCRA). Vermont sought authorization for and EPA made a decision to authorize Vermont for all the Land Disposal Regulations incorporated under the Consolidated Checklists for Land Disposal Restrictions listed at (64 FR 51705 and 51706). However, we inadvertently omitted listing the rules listed under Checklist 137 as part of the Consolidated Checklist. The purpose of this document is to correct this error.

DATES: The immediate final rule published in September 24, 1999 (64 FR 51702), as corrected by this document, will be effective November 23, 1999, unless EPA receives adverse comments by October 25, 1999. If EPA receives such comments, EPA will publish a timely document withdrawing the rule.

FOR FURTHER INFORMATION CONTACT: Geri Mannion, EPA Region I, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; Phone Number: (617) 918-1648.

SUPPLEMENTARY INFORMATION:

I. Technical Correction

On September 24, 1999, EPA published an immediate final rule authorizing revisions to Vermont's hazardous waste management program under RCRA. In listing the rules for which Vermont seeks authorization, we inadvertently omitted Checklist 137 as part of the Consolidated Checklist for Land Disposal Restrictions. The title and **Federal Register** information for Checklist 137 is: Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes; 59 FR 47982-48110, September 19, 1994 as amended at 60 FR 242-302, January 3, 1995. The Vermont regulations cited at 64 FR 51705 include authority to implement Checklist 137.

II. Administrative Requirements

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency certifies that the rule as amended by this correction will not have a significant economic impact on a substantial number of small entities, because it does not impose any new burdens on small entities. The rule simply authorizes requirements to which small entities are already subject under State law.

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) does not apply to this action because it does not contain a Federal mandate that will result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector, and because it does not impose any significant or unique impact on small governments as described in UMRA. This action also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998) because it does not impose any enforceable duties on these entities or have a significant or unique impact on tribal communities. This action does not have a substantial direct effect on 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, as specified in Executive Order 12612 (52 FR 41685, October 30, 1987) because this action affects only one State and it pertains to the State's proposal to be authorized for updated requirements in the hazardous waste program that the state has voluntarily chosen to operate. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not

economically significant. The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993). The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) does not apply to this action because it does not involve technical standards. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the September 24, 1999 **Federal Register** document.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This correction, together with the rule it amends, will be effective November 23, 1999.

Dated: October 4, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99-26858 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 62

RIN 3067-AC95

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: We (the Federal Insurance Administration of FEMA) are changing the Financial Control Plan (Appendix B of 44 CFR Part 62) that sets standards for evaluating the performance of private insurance companies participating in the Write Your Own program. These

changes are to streamline and simplify the regulations of the National Flood Insurance Program. This rule is part of an agency-wide initiative by the Federal Emergency Management Agency to simplify regulations for easier use by our customers. The changes are also consistent with the approach we adopted several years ago to streamline the arrangement for the WYO program and to place operational details in a technical operations manual rather than in the agreement itself between the Government and WYO companies.

EFFECTIVE DATE: December 1, 1999.

FOR FURTHER INFORMATION CONTACT:

Edward L. Connor, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, 202-646-3429, (facsimile) 202-646-3445, (email) Edward.Connor@fema.gov.

SUPPLEMENTARY INFORMATION: On August 5, 1999, we proposed a rule at 64 FR 42633 that would streamline and simplify the Financial Control Plan that private insurance companies must follow as part of their financial assistance arrangement with FEMA under the Write Your Own component of the National Flood Insurance Program. The proposed streamlining involved eliminating operational details from the text of the Financial Control Plan. This gives the Government and its industry partners the flexibility to make operational adjustments and corrections more efficiently and more quickly while retaining the broad framework necessary for sound financial controls.

Comments

We received one set of comments during the comment period from a company currently participating in the Write Your Own program. The company generally supports the proposed changes to the Financial Control Plan but asked for clarification on several points.

Consolidated Financial Statements Audit

The company offered "conditional support" for the changes on the understanding that we would eliminate the Consolidated Financial Statements Audit. The company concluded that "if that audit is continued, then the rule is overly burdensome and the system of reviews is redundant."

The Consolidated Financial Statements Audit and the planned operation reviews are independent of each other and serve separate needs. The Consolidated Financial Statements Audit is a financial audit for the program conducted by FEMA's

Inspector General (IG) and required by the Chief Financial Officers Act of 1990, as amended by the Government Management Reform Act of 1994. The scope of this independent, mandatory audit includes a company's financial management and its controls for receiving and disposing of money connected with a Federal program. The overall goal of this audit is to prevent fraud, waste, and abuse. The Consolidated Financial Statements Audit is not an optional audit, and it has a specific financial management and statutory purpose. The operation reviews that we conduct for participating Write Your Own companies on the other hand focus on a company's performance in specific areas of the Write Your Own program, namely, claims, underwriting, marketing, and customer service.

In summary, the Consolidated Financial Statements Audit, the FEMA IG's audit, and our program reviews are both appropriate, do not duplicate each other, and serve separate needs.

Reports to the Standards Committee

The company expressed concern about confidentiality and the protection of trade secrets when we file a report of an operation review to the Standards Committee since the Standards Committee consists of competitors of the Write Your Company which is the subject of the report. The commenter recommended that "auditors should only file reports on those companies failing the Operation Review. In addition, the auditors should not include in the report any information which is of a proprietary nature or trade secret." We agree with this recommendation.

We will present reports of operation reviews in summary form to the Standards Committee. These summary reports will identify trends but not companies by name. Instead, we will identify common or typical errors that we discovered during operation reviews and coordinate the appropriate remedy with the Standards Committee, such as improved training or guidance materials. We will, however, identify for the Standards Committee companies that fail the operation review and that will be the subject of an audit for cause. In these cases, we will continue to rely, as we have since the program's inception, on the ethics and professional standards of the members of the Standards Committee to safeguard the confidentiality of and any proprietary information about a company that has failed an operation review.

Penalties for Poor Performance

The commenter also expressed concern that the "penalties are undefined" for companies that fail the operation review. The purpose of operation reviews is for us to provide technical assistance to individual companies so that they may improve their underwriting, claims, marketing, and customer service operations. We will present to the Standards Committee summaries of common errors and trends that surface during the operation reviews so that we may select the most appropriate program-wide remedy, for example, training, guidance, etc. If we find that a company's performance warrants it, however, we will recommend an audit for cause and the deficient company would be subject to any penalties that are appropriate from that separate and independent mechanism.

Opportunity for Further Review and Comment

The commenter stated that it was important for participating companies to know "how the Operation Review will be conducted and the benchmarks for passage or failure of the review." We agree that companies need to have more specific information about the operation reviews, which are included in a companion document titled "The Write Your Own Program Financial Control Plan Requirements and Procedures." We will distribute during the first quarter of the 1999-2000 Arrangement year a draft version of this document for review and comment to all companies participating in the Write Your Own program. We have postponed the effective date of this rule until December 1, 1999 to allow us to consider all comments on the companion document for this rule before either one becomes final. Until that date, we will operate under the existing Financial Control Plan found at 44 CFR Part 62, Appendix B.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. We have not prepared an environmental assessment.

Executive Order 12866, Regulatory Planning and Review

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

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, we have submitted to the Office of Management and Budget (OMB) the collections of information in this final rule, and OMB has approved them. To request additional information or copies of the OMB submissions, contact the FEMA Information Collections Officer, Muriel B. Anderson, by calling (202) 646-2625, or by writing to FEMA, 500 C Street SW., Washington, DC 20472. The approved collections of information are:

OMB Number 3067-0169, Write Your Own (WYO) Program (expires March 31, 2002). To maintain adequate financial control over Federal funds, the National Flood Insurance Program requires each WYO company to meet the requirements of the WYO Transaction record Reporting and Processing Plan and to submit monthly financial and statistical reports as required in FEMA regulation 44CFR, part 62, Appendix B. The number of respondents is estimated at 105. The burden estimates per respondent are as follows:
Reconciliation Report, 30 minutes;
Biennial Audit Administrative Review Checklist, 1 hour; Monthly Financial and Statistical Reconciliation Reports Certification Statement, 3 minutes; and Monthly Statistical Transaction Reports Certification Statement, 3 minutes.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 62

Claims, Flood insurance.

Accordingly, we amend 44 CFR part 62 as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

2. We amend § 62.23 by redesignating paragraphs (j)(2) through (j)(6) as paragraphs (j)(3) through (j)(7), and by revising paragraph (j)(1) and adding new paragraph (j)(2) to read as follows:

§ 62.23 WYO Companies authorized.

* * * * *

(j) * * *
(1) Have a biennial audit of the flood insurance financial statements conducted by an independent Certified Public Accountant (CPA) firm at the Company's expense to ensure that the financial data reported to us accurately represents the flood insurance activities of the Company. The CPA firm must conduct its audits in accordance with the generally accepted auditing standards (GAAS) and Government Auditing Standards issued by the Comptroller General of the United States (commonly known as "yellow book" requirements). The Company must file with us (the Federal Insurance Administration) a report of the CPA firm's detailed biennial audit, and, after our review of the audit report, we will convey our determination to the Standards Committee.

(2) Participate in a WYO Company/FIA Operation review. We will conduct a review of the WYO Company's flood insurance claims, underwriting, customer service, marketing, and litigation activities at least once every three (3) years. As part of these reviews, we will reconcile specific files with a listing of transactions submitted by the Company under the Transaction Record Reporting and Processing (TRPP) Plan (Part 5). We will file a report of the Operation Review with the Standards Committee.

* * * * *

3. We revise Appendix B to Part 62—National Flood Insurance Program to read as follows:

Appendix B to Part 62—National Flood Insurance Program

A Plan to Maintain Financial Control for Business Written Under the Write Your Own Program.

(a) *In general.* Under the Write Your Own (WYO) Program, we (the Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA)) may enter into an arrangement with individual private sector insurance companies licensed to engage in the business of property insurance. The arrangement allows these companies—using their customary business practices—to offer flood insurance coverage to eligible property owners. To assist companies in marketing flood insurance coverage, the Federal Government will be a guarantor of flood insurance coverage for WYO policies issued under the WYO Arrangement. To account for and ensure appropriate spending of any taxpayer funds, the WYO companies and we will implement this Financial Control Plan (Plan). Only the Administrator may approve any departures from the requirements of this Plan.

(b) *Financial Control Plan.* (1) The WYO Companies are subject to audit, examination,

and regulatory controls of the various States. Additionally, the operating department of an insurance company is customarily subject to examinations and audits performed by the company's internal audit or quality control departments, or both, and independent Certified Public Accountant (CPA) firms. This Plan will use to the extent possible the findings of these examinations and audits as they pertain to business written under the WYO Program.

(2) This Plan contains several checks and balances that can, if properly implemented by the WYO Company, significantly reduce the need for extensive on-site reviews of the Company's files by us or our designee. Furthermore, we believe that this process is consistent with customary reinsurance practices and avoids duplication of examinations performed under the auspices of individual State Insurance Departments, NAIC Zone examinations, and independent CPA firms.

(c) *Standards Committee established.* (1) We establish in this Plan a Standards Committee for the WYO Program to oversee the performance of WYO companies under this Plan and to recommend appropriate remedial actions to the Administrator. The Standards Committee will review and recommend to the Administrator remedies for any adverse action arising from the implementation of the Financial Control Plan. Adverse actions include, but are not limited to, not renewing a particular company's WYO Arrangement.

(2) The Administrator appoints the members of the Standards Committee, which consists of five (5) members from FIA, one (1) member from FEMA's Office of Financial Management, and one (1) member from each of the six (6) designated WYO Companies, pools, or other entities.

(3) A WYO company must—

(A) Have a biennial audit of the flood insurance financial statements conducted by a CPA firm at the Company's expense to ensure that the financial data reported to us accurately represents the flood insurance activities of the Company. The CPA firm must conduct its audits in accordance with generally accepted auditing standards (GAAS) and the Government Auditing Standards issued by the Comptroller General of the United States (commonly known as "yellow book" requirements). The Company must file with us a report of the CPA firm's detailed biennial audit, and, after our review of the audit report, we will convey our determination to the Standards Committee.

(B) Participate in a WYO Company/FIA Operation review. We will conduct a review of the WYO Company's flood insurance claims, underwriting, customer service, marketing, and litigation activities at least once every three (3) years. As part of these reviews, we will reconcile specific files with a listing of transactions submitted by the Company under the Transaction Record Reporting and Processing Plan (Part 5). We will file a report of the Operation Review with the Standards Committee (Part 7).

(C) Meet the recording and reporting requirements of the WYO Transaction Record Reporting and Processing (TRRP) Plan and the WYO Accounting Procedures Manual.

The National Flood Insurance Program's (NFIP) Bureau and Statistical Agent will analyze the transactions reported under the TRRP Plan and submit a monthly report to the WYO company and to us. The analysis will cover the timeliness of the WYO submissions, the disposition of transactions that do not pass systems edits, and the reconciliation of the totals generated from transaction reports with those submitted on the WYO Company's reports. (Parts 2 and 6).

(D) Cooperate with FEMA's Office of Financial Management on Letter of Credit matters.

(E) Cooperate with us in the implementation of a claims reinspection program (Part 3).

(F) Cooperate with us in the verification of risk rating information.

(G) Cooperate with FEMA's Office of Inspector General on matters pertaining to fraud.

(d) This Plan incorporates by reference a separate document, "The Write Your Own Program Financial Control Plan Requirements and Procedures," that contains the following parts, each of which is incorporated by reference into and is applicable to the Financial Control Plan:

(1) Part 1—Financial Audits, Audits for Cause, and State Insurance Department Audits;

(2) Part 2—Transaction Record Reporting and Processing Plan Reconciliation Procedures;

(3) Part 3—Claims Reinspection Program;

(4) Part 4—Report Certifications and Signature Authorization;

(5) Part 5—Transaction Record Reporting and Processing Plan;

(6) Part 6—Write Your Own (WYO) Accounting Procedures Manual; and

(7) Part 7—Operation Review Procedures.

(e) Interested members of the public may obtain a copy of "The Write Your Own Program Financial Control Plan Requirements and Procedures" by contacting the FEMA Distribution Center, P.O. Box 2012, Jessup, MD 20794."

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

Dated: October 12, 1999.

Edward T. Pasterick,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 99-27009 Filed 10-15-99; 8:45 am]

BILLING CODE 6718-03-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket 98-170; FCC 99-72]

Truth-in-Billing and Billing Format

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On June 25, 1999 the Federal Communications Commission

published rules in the **Federal Register** concerning Truth-in-Billing principles and guidelines for telecommunications common carriers. This document makes corrections to that rule.

DATES: Effective October 18, 1999.

FOR FURTHER INFORMATION CONTACT:

Enforcement Division, Common Carrier Bureau, David Konuch, (202) 418-0960.

SUPPLEMENTARY INFORMATION: On April 15, 1999, the Commission adopted an order establishing billing principles to ensure that consumers are provided with basic information they need to make informed choices among telecommunications services and providers, to protect themselves against inaccurate and unfair billing practices, and to enhance their ability to detect cramming and slamming. A summary of this order was published in the **Federal Register**. See 64 FR 34488, June 25, 1999. This document corrects typographical errors contained in that summary.

In the rule changes, "Subpart U" is revised to read "Subpart W." Also in the rules section, "64.2000" is revised to read "64.2400." "64.2001" is revised to read "64.2401." "64.2001(a)(2)," "64.2001(b)," and "64.2001(c)" are replaced with "64.2401(a)(2)," "64.2401(b)," and "64.2401(c)," respectively.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-26884 Filed 10-15-99; 8:45 am]

BILLING CODE 6712-01-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 99040113-913-01; I.D. 090899A]

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Inseason Adjustments and Closures from Cape Flattery to Leadbetter Point, WA

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

ACTION: Inseason adjustments; closures; request for comments.

SUMMARY: NMFS announces the following inseason adjustments to the commercial salmon fishery in the area between Cape Flattery (48°23'00" N. lat.) and Cape Alava (48°10'00" N. lat.)

West of 125°05'00" W. long. and Cape Alava and Leadbetter Point, WA: Suspension of certain gear restrictions and the 100-coho trip limit for the open period from July 31 to August 3, 1999; closing the entire area to fishing from August 4 through August 14, 1999; reopening the area between Cape Alava and Leadbetter Point, WA, from August 14 through August 17, 1999, with the suspension of certain gear restrictions and the 100-coho trip limit; and closing the entire area to fishing starting August 18, 1999, for the duration of the season, scheduled to close September 30, 1999, due to the attainment of the 7,000-chinook guideline. These actions were necessary to conform to the 1999 management measures and were intended to ensure conservation of chinook salmon.

DATES: Suspension of gear restrictions and the coho trip limit effective 0001 hours local time (l.t.), July 31, 1999, from the area between Cape Flattery and Leadbetter Point, WA; closure effective 0001 hours l.t., August 4, 1999, from the area between Cape Flattery and Leadbetter Point, WA; reopening the area between Cape Alava and Leadbetter Point, WA, effective 0001 hours l.t., August 14, 1999; and closure effective 0001 hours l.t., August 21, 1999 from the area between Cape Flattery and Leadbetter Point, WA through the end of the 1999 fishing season, or until NMFS publishes a further notice in the **Federal Register**. Comments will be accepted through November 2, 1999.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-6140. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

SUPPLEMENTARY INFORMATION:

Background

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). All other restrictions that applied to this fishery remained in effect as announced in the annual management measures. Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS

will, by notification issued under 50 CFR 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon from Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) west of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, would open July 10 through the earliest of September 30 or attainment of the overall chinook quota (preseason 4,500–chinook guideline) or 20,000–coho quota. In a previous inseason adjustment, NMFS transferred 2,500 chinook of the remaining 12,884 chinook salmon from the May/June commercial fishery to the July through September fishery from Cape Flattery to Leadbetter Point, WA, making the total guideline for this area for this period 7,000 chinook salmon (64 FR 42856, August 6, 1999).

Salmon Inseason Adjustments

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), the Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW) on July 29, 1999, regarding the suspension of gear restrictions (no more than four spreads per line; gear restricted to plugs 6 inches (15.2 cm) or longer; flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread; and no more than one flasher per line), and the suspension of the coho trip limit (where each vessel may possess, land and deliver no more than 100 coho per open period) for the open period from July 31 to August 3. The States of Washington and Oregon recommended the suspension of certain restrictions and the coho trip limit because these measures were originally adopted to target chinook and spread the fishing pressure over the entire season. Because the chinook catch rate was very high compared to the coho catch rate, the states recommended suspension of gear restrictions and the coho trip limit, in order to shift effort away from chinook and onto coho salmon. Nevertheless, except for the four spreads per line restriction, all of the regular gear restrictions found in Table 1.C. of the 1999 management measures remained in effect (64 FR 24078, Table 1.C., May 5, 1999). The

catch projected on July 27, 1999, was 4,449 chinook out of a 7,000–chinook guideline, and only 514 coho of a 20,000–coho quota. Therefore, NMFS suspended certain gear restrictions and the coho trip limit for the open period from July 31 to August 3, 1999, with the understanding that this change would be evaluated after the open period and then discussed in a meeting on August 5, 1999, to decide whether this inseason adjustment should continue for the remainder of the season.

On August 5, 1999, the Regional Administrator consulted with representatives of the Council, WDFW, and ODFW to discuss the status of catch and whether or not the suspension of the gear restrictions and the coho trip limit should continue. The estimated catch of chinook continued to be higher than expected, with the total catch as of August 5, 1999, at 5,988 chinook, and the total catch of coho at 1,387. Since these numbers did not include some catch information and the estimated catch of chinook was higher than expected, the states recommended that the fishery be suspended for the next open period, August 7–10, 1999, until all of the relevant data were collected and an analysis completed to make an adequate decision for the remaining season. Accordingly, NMFS closed the area to fishing through August 14, 1999.

The Regional Administrator consulted with representatives of the Council, WDFW, and ODFW on August 9, 1999. The relevant sources of catch data were adequately reported, and the analysis estimated the total catch at approximately 6,000 chinook and 1,500 coho. With 1,000 chinook remaining in the guideline of 7,000 fish, all parties were concerned that the past high chinook catch rate would continue and the 7,000–chinook guideline would be exceeded. The states recommended that both the area of fishing be limited to the area between Cape Alava and Leadbetter Point, WA, and the suspension of gear restrictions and the coho trip limit be continued during the next open period. The states determined that a number of factors supported restricting the reopened fishery to the reduced area. These factors were as follows: (1) The highest catch of chinook, 1,300 of the 1,500 landed in the last open period, was in the area between Cape Flattery and Cape Alava. Therefore, closing this area would reduce the number of chinook caught; (2) the suspension of the gear restrictions, designed to help target chinook, allowed fishers to use gear that would target more coho; (3) the historic catch of chinook has decreased

towards the later part of the season in this fishery; therefore, the catch rate of chinook was expected to be greatly reduced; and (4) the reports from the troller representatives indicated that the fishers who had larger boats and landed the majority of the chinook were not going to continue to fish for salmon, and had switched gear to pursue the more lucrative tuna fishery offshore. Therefore, NMFS reopened the area between Cape Alava and Leadbetter Point, WA, from August 14 through August 17, 1999, with suspension of gear restrictions and the coho trip limit. The area was closed August 18–20, 1999, under the annual management measures.

On August 19, 1999, the Regional Administrator consulted with representatives of the Council, WDFD, and ODFW to discuss the status of catch and whether or not the fishery should continue. The estimated catch of chinook was higher than expected. The total catch as of August 19, 1999, was 7,224 chinook, exceeding the 7,000–chinook guideline, and the total catch of coho was 4,644. Therefore, NMFS closed the area to fishing for the duration of the season due to attainment of the 7,000–chinook guideline.

The States of Washington and Oregon will manage the commercial fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual notification of these actions was given to fishermen prior to the effective dates by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to make inseason adjustments and close the fishery upon achievement of the quota, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. These actions do not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: October 6, 1999.

Gary C. Matlock,

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

[FR Doc. 99–26607 Filed 10–15–99; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register

Vol. 64, No. 200

Monday, October 18, 1999

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 25

[REG-108287-98]

RIN 1545-AW25

Definition of a Qualified Interest in a Grantor Retained Annuity Trust and a Grantor Retained Unitrust; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations under section 2702(b) relating to the definition of a qualified interest in a grantor retained annuity trust and a grantor retained unitrust.

DATES: The public hearing originally scheduled for Wednesday, October 20, 1999, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Tuesday, June 22, 1999, (64 FR 33235), announced that a public hearing was scheduled for Wednesday, October 20, 1999, at 10 a.m., in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 2702(b) of the Internal Revenue Code. The public comment period for these proposed regulations expired on Monday, September 20, 1999. The outlines of topics to be addressed at the hearing were due on Wednesday, September 29, 1999.

The notice of proposed rulemaking and notice of public hearing, instructed

those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Wednesday, October 6, 1999, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, October 20, 1999, is cancelled.

Cynthia Grigsby,

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

[FR Doc. 99-26898 Filed 10-15-99; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR-035-FOR]

Arkansas Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to the Arkansas abandoned mine land reclamation plan (Arkansas plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of an addition to the Arkansas plan relating to the exclusion of certain noncoal reclamation sites. Arkansas intends to revise its plan to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Arkansas plan and the amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.s.t., November 17, 1999. If requested, we will hold a public hearing on the amendment on November 12, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.s.t. on November 2, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Arkansas plan, 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 Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Arkansas Department of Environmental Quality, Russellville Field Office, 1220 West 2nd Street, Russellville, Arkansas 72801, Telephone: (501) 968-7339.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Plan

On May 2, 1983, the Secretary of the Interior approved the Arkansas plan. You can find background information on the Arkansas plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the May 2, 1983, **Federal Register** (48 FR 19710). You can find later actions on the Arkansas plan at 30 CFR 904.25 and 904.26.

II. Description of the Proposed Amendment

By letter dated September 22, 1999 (Administrative Record No. AAML-27.08), Arkansas sent us an amendment to its plan under SMCRA. Arkansas sent the amendment in response to our letter dated September 8, 1999 (Administrative Record No. AAML-27.07). Below is a summary of the changes proposed by Arkansas. The full text of the amendment is available for your inspection at the locations listed above under **ADDRESSES**.

Policies and Procedures of the State Abandoned Mine Land Reclamation Program [30 CFR 884.13(c)]

Under subheading B. Identification of Eligible Lands and Water [30 CFR 884.13(c)(2)], Arkansas proposes to add the following language as a counterpart to our Federal regulation at 30 CFR 875.16, Exclusion of certain noncoal reclamation sites:

Money from the Fund shall not be used for the reclamation of sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or that have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*).

III. Public Comment Procedures

Under the provisions of 30 CFR 884.15(a), we are requesting comments on whether the amendment satisfies the applicable State reclamation plan approval criteria of 30 CFR 884.14. If we approve the amendment, it will become part of the Arkansas plan.

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 Tulsa 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. AR-035-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 Tulsa Field Office at (918) 581-6430.

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., c.s.t. on November 2, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation 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.

To assist the transcriber and ensure an accurate record, we request that you provide us with a written copy of your testimony. 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 spoken.

Public Meeting

If only one person requests an opportunity to speak at a hearing, we may hold a public meeting, rather than a public hearing. 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.

IV. 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 conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and 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 and Tribal abandoned mine land reclamation plans and revisions since each such plan is drafted and

promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and 30 CFR Part 884.

National Environmental Policy Act

This rule does not require an environmental impact statement since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

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 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 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. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

OSM 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 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 8, 1999.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 99-27107 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF DEFENSE**Department of the Air Force****32 CFR Part 806b**

[Air Force Instruction 37-132]

Air Force Privacy Act Program**AGENCY:** Department of the Air Force, DOD.**ACTION:** Proposed rule.

SUMMARY: The Department of the Air Force is proposing to add an exemption rule for a system of records notice F036 AF DP G, entitled 'Equal Opportunity and Treatment'. The exemption is intended to increase the value of the system of records for law enforcement purposes, to comply with prohibitions against the disclosure of certain kinds of information, and to protect the privacy of individuals identified in the system of records.

DATES: Comments must be received on or before December 17, 1999, to be considered by this agency.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 203301250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 5886187.

SUPPLEMENTARY INFORMATION:**Executive Order 12866, 'Regulatory Planning and Review'**

It has been determined that 32 CFR part 321 is not a significant regulatory action. The rule does not:

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

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

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

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

Public Law 96-354, 'Regulatory Flexibility Act' (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Public Law 96-511, 'Paperwork Reduction Act' (44 U.S.C. Chapter 35)

It has been certified that this part does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

List of subjects in 32 CFR part 806b

Privacy.

Accordingly, 32 CFR part 806b is amended to read as follows:

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR Part 806b continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

2. Appendix C to Part 806b is proposed to be amended by adding paragraph (b)(21) as follows:

* * * * *

b. Specific exemptions. * * *

(21) *System identifier and name:* F036 AF DP G, Military Equal Opportunity and Treatment.

(i) *Exemption:* 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 the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(iii) *Authority:* 5 U.S.C. 552a(k)(2)

(iv) *Reasons:* (1) From subsection (d) because access to the records contained in this system would inform the subject of an investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, and would present a serious impediment to law enforcement. In addition, granting individuals access to information collected while an Equal Opportunity and Treatment clarification/investigation is in progress conflicts with the just, thorough, and timely completion of the complaint, and could possibly enable individuals to interfere, obstruct, or mislead those clarifying/investigating the complaint.

(2) From subsection (e)(4)(H) because this system of records is exempt from individual access pursuant to subsection (k) of the Privacy Act of 1974.

(3) From subsection (f) because this system of records has been exempted

from the access provisions of subsection (d).

(4) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Air Force will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Air Force's Privacy Instruction, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

Dated: October 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27069 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-F

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA 207-0183; FRL-6459-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the California State Implementation Plan (SIP) originally proposed for a limited approval and limited disapproval in the **Federal Register**, 64 FR 13375, on March 18, 1999. The revision concerns a rule from the South Coast Air Quality Management District (SCAQMD). The rule controls emissions of oxides of nitrogen from stationary gas turbines. The intended effect of proposing approval of this rule is to regulate emissions of oxides of nitrogen (NO_x) in

accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposed rule will incorporate this rule into the Federally approved SIP. EPA has evaluated this rule and is proposing to approve it under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

DATES: Comments on this proposed action must be received in writing on or before November 17, 1999.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revision and the administrative record for a previous EPA proposed action for this rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Ed Addison, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1160.

SUPPLEMENTARY INFORMATION:

I. Applicability

This **Federal Register** action for the SCAQMD excludes the Los Angeles County portion of the Southeast Desert Air Quality Management District, otherwise known as the Antelope Valley Region in Los Angeles County, which is now under the jurisdiction of the Antelope Valley Air Pollution Control District as of July 1, 1997. The rule being proposed for approval into the California SIP is SCAQMD, Rule 1134, Emissions of Oxides of Nitrogen from Stationary Gas Turbines. This rule was submitted by the California Air

Resources Board (CARB) to EPA on March 10, 1998.

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a proposed rule entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_x Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, action should be referred to for further information on the NO_x requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and sections 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. SCAQMD is classified as extreme¹; therefore this area is subject to the RACT requirements of section 182(b)(2) and the November 15, 1992 deadline cited below.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_x) emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_x CTGs issued before enactment and EPA has not issued a CTG document for any NO_x sources since enactment of the CAA. The RACT rules covering NO_x sources and submitted as SIP revisions are expected to require final installation of the actual NO_x controls as expeditiously as practicable, but no later than May 31, 1995.

This document addresses EPA's proposed action for South Coast Air Quality Management District (SCAQMD) Rule 1134, Emissions of Oxides of Nitrogen from Stationary Gas Turbines Engines, adopted by the SCAQMD on August 8, 1997. The State

¹ SCAQMD retained its designation of nonattainment and was classified by operation of law pursuant to 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

of California submitted this Rule 1134 to EPA on March 10, 1998. The rule was found to be complete on May 21, 1998, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V² and is being proposed for approval into the SIP.

NO_x emissions contribute to the production of ground level ozone and smog. This rule was submitted in response to EPA's 1988 SIP-Call and the CAA section 110(a)(2)(A) requirement that plans which are submitted to the EPA in order to achieve the National Ambient Air Quality Standards (NAAQS) contain enforceable emission limitations. A detailed discussion of the background for this rule and nonattainment area is provided in the proposed rulemaking cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rulemaking cited above. EPA has found that the rule meets the applicable EPA requirements. The rule is enforceable and strengthens the applicable SIP. However, as noted in the proposed rulemaking cited above, it represents a relaxation of the existing SIP. On March 18, 1999, in 64 FR 13375, EPA proposed limited approval and limited disapproval of SCAQMD Rule 1134, Emissions of Oxides of Nitrogen from Stationary Gas Turbines into the California SIP. A detailed discussion of the rule provisions and evaluation has been provided in 64 FR 13375 and in a technical support document (TSD) dated February 11, 1999 available at EPA's Region IX office.

III. EPA Evaluation and Proposed Action

In determining the approvability of a NO_x rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the NO_x Supplement (57 FR 55620) and various other EPA policy guidance documents.³ Among those

² EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

³ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC regulation Cutpoints,

provisions is the requirement that a NO_x rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_x emissions.

For the purposes of assisting State and local agencies in developing NO_x RACT rules, EPA prepared the NO_x Supplement to the General Preamble. In the NO_x Supplement, EPA provides preliminary guidance on how RACT will be determined for stationary sources of NO_x emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_x (see section 4.5 of the NO_x Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO_x. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_x. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_x. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_x RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

The California Air Resources Board (CARB) developed a guidance document entitled Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for the Control of Oxides of Nitrogen from Stationary Gas Turbines. EPA has used CARB's guidance document, dated May 18, 1992, in evaluating Rule 1134 for consistency with the CAA's RACT requirements.

There is currently a November 1, 1996 version of South Coast Air Quality Management District (SCAQMD) Rule 1134, Emissions of Oxides of Nitrogen from Stationary Gas Turbines included in the SIP. The submitted rule includes the following provisions:

- General provisions including applicability, exemptions, and definitions.
- Exhaust emissions standards for oxides of nitrogen (NO_x) and carbon monoxide (CO).
- Administrative and monitoring requirements including compliance

schedule, reporting requirements, monitoring and record keeping, and test methods.

Rules submitted to EPA for approval as revisions to the SIP must be fully enforceable, must maintain or strengthen the SIP and must conform with EPA policy in order to be approved by EPA. When reviewing rules for SIP approvability, EPA evaluates enforceability elements such as test methods, record keeping, and compliance testing in addition to RACT guidance regarding emission limits. Rule 1134 strengthens the SIP through the addition of enforceable measures such as record keeping, test methods, and definitions.

EPA has evaluated South Coast Air Quality Management District Rule 1134 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions address and correct many deficiencies previously identified by EPA. These corrected deficiencies have resulted in a clearer, more enforceable rule.

In evaluating the rule, EPA must also determine whether the section 182(b) requirement for RACT implementation by May 31, 1995 is met. Under certain circumstances, the determination of what constitutes RACT can include consideration of advanced control technologies such as CARB BARCT requirements. As Rule 1134 requires all units to comply by December 31, 1995, EPA considers the May 31, 1995 deadline to have been met. EPA has further found that the amendment to Rule 1134 conforms with the CARB Determination of Reasonably Available Control Technology (RACT) and Best Available Retrofit Control Technology (BARCT) for Control of Oxides of Nitrogen from Stationary Gas Turbines dated May 18, 1992, and is therefore consistent with the CAA's RACT requirement.

EPA has evaluated South Coast Air Quality Management District Rule 1134 for consistency with the CAA, EPA regulations, and EPA policy and has found that although most of the modifications to SCAQMD Rule 1134 will strengthen the SIP, one modification relaxes the SIP.

Section (c)(1) of the rule raises the emission limit for one facility at Carson from 9 ppmv to 25 ppmv NO_x. The District has stated that no viable alternatives are evident that will enable this unit to achieve the existing Rule 1134 emission limit. The District estimated that this relaxation will result in increased emissions of approximately 46 tons per year of NO_x.

On March 18, 1999, in 64 FR 13375, EPA proposed a limited approval and limited disapproval of SCAQMD Rule

1134, because the district had failed to demonstrate that this relaxation complies with Section 110(l) of the Act.

A more detailed discussion of the basis for EPA's proposed action can be found in the Technical Support Document (TSD), dated February 11, 1999, which is available from the U.S. EPA, Region IX office.

EPA provided for a 30-day public comment period in 64 FR 13375 and a 30 day extension in 64 FR 24988. EPA received comments on the proposed rulemaking prior to the closing of the second comment period, from the County Sanitation District of Los Angeles County, South Coast Air Quality Management District, Sempra Energy, and Solar Turbines, Incorporated.

The County Sanitation District of L.A., submitted comments stated that they operate the sole facility, at Carson, CA, affected by the relaxation and that EPA's information was lacking many of the details of the effort that was conducted at this facility in an attempt to achieve the 9 ppmv NO_x emission level contained in the original Rule 1134. The Sanitation District asserted that the NO_x limits are not technologically feasible and they would forward the chronology of the activities undertaken involving this issue.

Commenter Solar Turbines, Incorporated, confirmed that low NO_x combustion controls are not as yet available from any supplier for use on low Btu digester gas.

They stated that improvement of the selective catalytic reduction (SCR) unit performance, which now only provides 20 percent NO_x reduction, is not technically feasible due to the ongoing siloxane poisoning of the SCR catalyst. The proposed amendment emissions limit of 25 ppmv NO_x is being achieved primarily via water injection.

The Sanitation District commenter suggested that EPA approve the revisions to Rule 1134 as all reasonable approaches have been tried and found technologically infeasible to achieve 9 ppmv NO_x emission level.

The Sanitation District supplied a summary of the chronological detail on all of the NO_x control related activities at the LACSD turbine facility and SCAQMD submitted comments in response to the CAA 110(l) requirement for achieving emission reductions, stating that the NO_x levels do not interfere with attainment, reasonable further progress, or other requirement of the Clean Air Act, as specified by section 110(l).

EPA reviewed all the material submitted during the comment period and agrees that LACSD has investigated

Deficiencies, and Deviation, Clarification to Appendix D of November 24, 1987 **Federal Register Notice** (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

the currently available RACT approaches to lower the NO_x emissions from the LACSD facility. We understand that the limitation on the SCR performance is the lack of a method for removing silicon compounds from the digester gas. Such removal may or may not be possible in the future. Water scrubbing does not appear to be effective for removing siloxanes. However, similar units have had preliminary success using carbon bed filtration of the digester gas. SCAQMD and the affected source should continue investigating various siloxane removal methods, and SCAQMD should revise the rule when one is found.

Proposed Action

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

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

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior

consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

D. Executive Order 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to

issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

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

advising any small governments that may be significantly or uniquely impacted by the rule.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 24, 1999.

Laura Yoshii,

Deputy, Regional Administrator, Region IX.
[FR Doc. 99-27141 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL-6459-5]

RIN 2060-AG85

Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Rocky Flats Environmental Technology Site for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on Department of Energy (DOE) documents applicable to characterization of transuranic (TRU) radioactive waste at Rocky Flats Environmental Technology Site (RFETS) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents are entitled: (1) "Salt Residue Repack, Bldg. 371 and 707 Process Control Plan, RS-020-021, Rev.

000," (2) "Ash Residue Repack Project, Bldg. 707 Process Control Plan, RS-020-012, Rev. 000," (3) "Dry Residue Repackaging Process Control Plan, RS-020-013, Rev. 000," and "Combustible Residue Repackaging Process Control Plan, RS-020-018, Rev. 000." They are available for review in the public dockets listed in **ADDRESSES**. EPA will conduct an inspection of waste characterization systems and processes at RFETS to verify that the proposed systems and processes at RFETS can characterize transuranic waste in accordance with EPA's WIPP compliance criteria at 40 CFR 194.24. EPA will perform this inspection the week of November 15, 1999. This notice of the inspection and comment period accords with 40 CFR 194.8.

DATES: EPA is requesting public comment on the documents. Comments must be received by EPA's official Air Docket on or before November 17, 1999.

ADDRESSES: Comments should be submitted to: Docket No. A-98-49, Air Docket, Room M-1500 (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington, DC, Docket No. A-98-49, Category II-A2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10am-9pm, Friday-Saturday, 10am-6pm, and Sunday 1pm-5pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: vary by semester; and in Santa Fe at the New Mexico State Library, Hours: Monday-Friday, 9am-5pm.

As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Scott Monroe, Office of Radiation and Indoor Air, (202) 564-9310 or call EPA's toll-free WIPP Information Line, 1-800-331-WIPP.

SUPPLEMENTARY INFORMATION:

Background

DOE is developing the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Pub. L. No. 102-579), as amended (Pub. L. No. 104-201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than

twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Much of the existing TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and sludges.

On May 13, 1998, EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision stated that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

The final WIPP certification decision includes conditions that (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (Condition 2 of Appendix A to 40 CFR part 194); and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved the procedures developed to comply with the waste characterization requirements of § 194.22(c)(4) (Condition 3 of Appendix A to 40 CFR part 194). The EPA's approval process for waste generator sites is described in § 194.8. As part of EPA's decision-making process, the DOE is required to submit to EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, EPA will place such documentation in the official Air Docket in Washington, DC, and informational dockets in the State of New Mexico for public review and comment.

EPA approved the required quality assurance program at RFETS in March 1999. EPA also approved certain waste characterization processes at RFETS in March 1999 and June 1999. DOE is proposing to use additional nondestructive assay processes that EPA did not previously inspect at RFETS. EPA will conduct an inspection of RFETS to verify that the utilization of these additional processes as part of the system of controls for waste characterization complies with 40 CFR 194.24.

EPA has placed four documents pertinent to the inspection in the public docket described in **ADDRESSES**. The documents are entitled: (1) "Salt Residue Repack, Bldg. 371 and 707

Process Control Plan, RS-020-021, Rev. 000," (2) "Ash Residue Repack Project, Bldg. 707 Process Control Plan, RS-020-012, Rev. 000," (3) "Dry Residue Repackaging Process Control Plan, RS-020-013, Rev. 000," and "Combustible Residue Repackaging Process Control Plan, RS-020-018, Rev. 000." Two other relevant RFETS documents—"Tansuranic Waste Management Manual, Rev. 2," and "RFETS TRU Waste Characterization Program Quality Assurance Project Plan"—were placed in Docket A-98-49 previously (Items II-A2-9 and II-A2-10) and are also open to comment. In accordance with 40 CFR 194.8, as amended by the final certification decision, EPA is providing

the public 30 days to comment on these documents.

If EPA determines as a result of the inspection that the proposed processes at RFETS adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the official Air Docket in Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow the DOE to ship from RFETS the TRU waste that may be characterized using the approved processes. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: October 7, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99-27140 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 64, No. 200

Monday, October 18, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 12, 1999.

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

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

displays a currently valid OMB control number.

Farm Service Agency

Title: 7 CFR 1951-T Disaster Set-Aside Program.

OMB Control Number: 0560-0164.

Summary of Collection: 7 CFR part 1951, Subpart T, Disaster Set-Aside Program (DSA), used in support of the Farm Service Agency (FSA) Farm Loan Program (FLP), formerly Farmer Programs of the Farmers Home Administration (FmHA), and Farm Credit Programs of FSA. The Disaster Set-Aside Program is made available through the authority granted the Secretary of Agriculture under the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) (The Act). The set-aside program is designed to assist borrowers in financial distress who operated a farm of ranch in a political subdivision, typically a county, that was declared or designed a disaster area. DSA allows eligible borrowers who are unable to make the payments to quickly eliminate their immediate financial stress. Under this program, FSA farm loan program borrowers can receive immediate financial relief by moving one annual installment for each loan to the end of the loan term. The installment set-aside may be the one due immediately after the disaster or, if that installment is paid to the neglect of other creditors or family living and operating expenses, then the next scheduled installment may be set-aside. FSA will collect information on the borrowers asset values, expenses and income.

Need and Use of the Information: The information is required of FSA farm borrowers and collected by FSA loan servicing officials to determine that disaster victims need payment relief and to support the approval of a set-aside request.

Description of Respondents: Farms; Individuals or households; Business or other for-profit.

Number of Respondents: 5,410.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 12,233.

Forest Service

Title: Special Use Administration.

OMB Control Number: 0596-0082.

Summary of Collection: Title 5 of the Federal Land Policy and Management Act of 1976 (FLPMA, Pub. L. 94-579),

the Organic Administration Act of 1897 (30 Stat. 34), and the Secretary's Regulations at Title 36, Code of Federal Regulations, Section 251, Subpart B (36 CFR 251, Subpart B) provide for authorities and requirements for the application, issuance, and administration of special uses on National Forest System Lands. There is a basic obligation of the agency to ensure that the use of Federal lands is in the public's interest; is compatible with the mission of the Forest Service (FS); and that environmental and social impacts are identified and mitigated and that a fee based on fair market value is received. The evaluation can only be accomplished with the cooperation and information furnished by the applicant or permit holder. The information is needed from those parties who seek special-use authorizations to conduct private or commercial operations on National Forest System Land, or from those who are currently utilizing National Forest System Lands for private or public use. FS will collect information using several forms.

Need and Use of the Information: FS will collect information on (1) the identity of the applicant; (2) the nature of the request and project description; (3) location of National Forest System Lands requested for use; (4) technical and financial capability of the requester; (5) alternatives considered, including use of nonfederal lands and; (6) anticipated environmental impacts and proposed mitigation of those impacts. The authorized forest officer evaluates this information and makes a decision to approve or disapprove the requested use. The information is required to evaluate the merits of the applicant's request to use National Forest System Lands that is not available elsewhere. The use of the forms helps reduce the burden on the applicant by providing a listing of the information that is required by law and tailored to the intended use proposed by the respondent. Use of the forms is of extreme benefit to applicants in that they do not have to refer to the regulations or policy manuals to determine what information is needed by the agency. Without the forms, the cost to the applicant would be increased.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit

institutions; Farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 56,440.

Frequency of Responses: Reporting: On occasion; Quarterly; Annually.

Total Burden Hours: 75,875.

Foreign Agricultural Service

Title: CCC/Export Credit Guarantee Program (GSM-102) & Intermediate Export Credit Guarantee Program (GSM-101).

OMB Control Number: 0551-0004.

Summary of Collection: Under 7 CFR Part 1493, the Export Credit Guarantee Program (GSM-102) and the Intermediate Export Credit Program (GSM-103), offer credit guarantees to exporters in order to maintain and increase overseas importers' ability to purchase and finance U.S. agricultural goods. The Export Credit Guarantee Programs are designed to stimulate U.S. private sector financing of foreign purchases of U.S. agricultural commodities on credit terms. Since the Export Credit Guarantee Programs operate off commercial sales, the majority of the information required for program participation, including the guarantee application, evidence of export report, assignment notice, and filing of notices of default, is information that would already be in the possession of the participants. The Foreign Agricultural Service will collect information from the guarantee application submitted by the participants by telephone, mail, or fax.

Need and Use of the Information: FAS will collect information to determine a sale's eligibility for Export Credit Guarantee Program coverage and provide the Commodity Credit Corporation with adequate information to meet the program's goals and statutory requirements. The information will be utilized in fulfilling the Commodity Credit Corporation's obligation under the issued payment guarantee. This information collected ensures the Commodity Credit Corporation that all participants have a business office in the United States and are not debarred or suspended from participating in government programs.

Description of Respondents: Business or other for-profit.

Number of Respondents: 200.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Other: when program is utilized.

Total Burden Hours: 5,440.

Food Safety and Inspection Service

Title: Exportation, Transportation, and Importation of Meat and Poultry Products.

OMB Control Number: 0583-0094.

Summary of Collection: The Food Safety and Inspection Service (FSIS) requires that meat and poultry establishments exporting products to foreign countries complete an export certificate. Meat and poultry products not marked with the mark of inspection and shipped from one official establishment to another for further processing must be transported under FSIS seal to prevent such unmarked products from entering into commerce. To track products shipped under seal, FSIS requires shipping establishments to complete a form that identifies the type, amount, and weight of the product. Foreign countries exporting meat and poultry products to the U.S. must establish eligibility for importation of products into the U.S., and annually certify that their inspection systems are "equivalent to" the U.S. inspection system. Meat and poultry products intended for import into the U.S. must be accompanied by a health certificate, signed by an official of the foreign government, stating that the products have been produced by certified foreign establishments. FSIS will collect information using forms 9060-1, 7350-1, 9540-1, and 9510-1.

Need and Use of the Information: FSIS will collect information to identify the type, amount, weight, destination, and originating country of the meat and poultry. FSIS will use the information to verify that a meat or poultry product intended for import has been prepared in a plant certified to prepare products for export to the U.S. FSIS will also use the information from the forms in the agency's annual Report to Congress.

Description of Respondents: Business or other for-profit.

Number of Respondents: 19,653.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 168,711.

Food Safety and Inspection Service

Title: Ante-Mortem and Post-Mortem Inspection.

OMB Control Number: 0583-0090.

Summary of Collection: The Food Safety and Inspection Service (FSIS) permits poultry establishments to operate under the Streamlined Inspection System (SIS), the New Line Speed (NELS) Inspection System, or the New Turkey Inspection (NTI) System. These systems are post-mortem inspection systems that have enabled the poultry industry to increase their daily production. To operate under SIS for boilers and Cornish game hens, establishments must request and receive approval from FSIS. Meat and poultry establishments wishing to slaughter

animals treated with experimental biological products, drugs or chemicals must provide certain information and supporting data for review by FSIS before approval may be granted. FSIS will collect information using forms 6700-2, 6500-1, 2, 3 and 6300-15.

Need and Use of the Information: FSIS will collect information to ensure that meat and poultry products are not adulterated from the use of a biological product, drug or chemical. FSIS uses the information on the forms to track specimens released to laboratories for educational research. If the information was not collected, FSIS would have no means of ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,114.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 19,716.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 99-27034 Filed 10-15-99; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Notice of Request for an Extension of a Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act this notice announces the intention of the Farm Service Agency (FSA) to request an extension for information collections currently in effect with respect to the End-Use Certificate Program found at 7 CFR part 782.

DATE: Comments on this notice must be received on or before December 17, 1999 to be assured consideration.

ADDITIONAL INFORMATION: Contact Sharon Miner, USDA, Farm Service Agency, Warehouse and Inventory Division, Inventory Management Branch, STOP 0553, 1400 Independence Avenue, SW, Washington, D.C. 20250-0553, (202) 720-6266, e-mail ccclist@wdc.fsa.usda.gov; or facsimile (202) 690-3123.

SUPPLEMENTARY INFORMATION:

Title: End-Use Certificate Program.

OMB Control Number: 0560-0151.

Expiration Date of Approval: November 30, 1999.

Type of Request: Extension of Currently Approved Information Collection.

Abstract: The information collected under OMB Control Number 0560-0151, as identified above, ensures that Canadian wheat does not benefit from USDA or Commodity Credit Corporation assisted export programs. To comply with the provisions of the North American Free Trade Agreement Implementation Act, FSA requires information from the importers, subsequent buyers, and end-users that will assist in tracking the Canadian wheat within the U.S. marketing system.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 0.215 hours per response.

Respondents: Wheat importers, traders, and end-users.

Estimated Number of Respondents: 421.

Estimated Number of Responses per Respondent: 64.

Estimated Total Annual Burden on Respondents: 5,419 hours.

Proposed topics for comment include: (a) Whether the continued collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used; (c) enhancing the quality, utility, and clarity of the information collected; or (d) minimizing the burden of the collection of the information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Sharon Miner at the address listed above. All comments will become a matter of public records. OMB is required to make a decision concerning the collection of information contained in this notice between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Signed at Washington, DC, on October 7, 1999.

Parks Shackelford,

Acting Administrator, Farm Service Agency.
[FR Doc. 99-27035 Filed 10-15-99; 8:45 am]

BILLING CODE 3410-05-P

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the New York State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee to the Commission which was to have convened at 2:00 p.m. and adjourned at 7:00 p.m. on October 27, 1999, at the Hyatt Regency Buffalo, Franklin Room, 2 Fountain Plaza, Buffalo, New York 14202, has been canceled.

The original notice for the meeting was announced in the **Federal Register** on Thursday, October 7, 1999, FR Doc. 99-26185, 64 FR, No. 194, p. 54617.

Persons desiring additional information should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-8116).

Dated at Washington, DC, October 7, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.
[FR Doc. 99-27042 Filed 10-15-99; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) ("the Act") authorizes the Secretary of Commerce, with the concurrence of the Attorney General, to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export

conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR Section 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. Section 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 99-00005." A summary of the application follows.

Summary of the Application

Applicant: California Almond Export Association, LLC ("CAEA"), 4800 Sisk Road, Modesto, CA 95356.

Contact: Ronald C. Peterson, Attorney.

Telephone: (415) 995-5005.

Application No.: 99-00005.

Date Deemed Submitted: October 4, 1999.

Members (in addition to applicant): A & P Growers Cooperative, Inc., Tulare, CA; Almonds California Pride, Inc., Caruthers, CA; Baldwin-Minkler Farms, Orland, CA; Blue Diamond Growers, Sacramento, CA; Calcot, Ltd., Bakersfield, CA; California Independent Almond Growers, Ballico, CA; Campos Brothers, Caruthers, CA; Chico Nut Company, Chico, CA; Del Rio Nut Company, Livingston, CA; Dole Nut Company, Bakersfield, CA (Controlling Entity: Dole Food Company, Inc., West Lake Village, CA); Fair Trade Corner, Inc., Chico, CA; Gold Hills Nut Co., Inc., Ballico, CA; Golden West Nuts, Inc.,

Ripon, CA; Harris Woolf California Almonds, Huron, CA; Hilltop Ranch, Ballico, CA; Hughson Nut Company, Hughson, CA; Kindle Nut Company, Denair, CA; Paramount Farms, Inc., Los Angeles, CA (Controlling Entity: Roll International Corporation, Los Angeles, CA); P-R Farms, Inc., Clovis, CA; Santa Fe Nut Company, Ballico, CA; South Valley Farms, Wasco, CA; and Western Nut Company, Chico, CA.

CAEA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operation.

Export Trade

1. *Products* California almonds in processed and unprocessed form ("almonds").
2. *Services* Marketing, distribution and promotional services.
3. *Export Trade Facilitation Services (as they Relate to the Export of Products and Services)*

All export trade-related facilitation services, including but not limited to: development of trade strategy; sales, marketing, and distribution; foreign market development; promotion; all aspects of foreign sales transactions, including export brokerage, freight forwarding, transportation, insurance, billing, collection, trade documentation, and foreign exchange; customs, duties and taxes; and inspection and quality control.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands).

Export Trade Activities and Methods of Operation

CAEA and its Members seek to have the following conduct certified:

1. To undertake on its own behalf or on behalf of all or less than all of its Members, with respect to the trade in almonds handled by the Members with any or all customers in the Export Markets, or any country or geographical area within the Export Markets, all activities conducted through CAEA or through Export Intermediaries (to the extent provided in section 1.g below) as follows:

- a. *Sales Prices.* Establish sale prices, minimum sale prices, target sale prices and/or minimum target sale prices and other terms of sale.

- b. *Marketing and Distribution.*

Marketing and distribution.

- c. *Promotion.* Promotion.

- d. *Quantities.* Agree on quantities of almonds to be sold, provided each Member shall be required to dedicate only such quantity or quantities, as each such Member shall independently determine. CAEA shall not require any Member to export a minimum quantity.

- e. *Market and Customer Allocation.* Allocate geographic areas or countries in the Export Markets and/or customers in the Export Markets among Members.

- f. *Refusals to deal.* Refuse to quote prices for almonds, or to market or sell almonds, to or for any customers in the Export Markets, or any countries or geographical areas in the Export Markets.

- g. *Exclusive and Non-exclusive Export Intermediaries.* Enter into exclusive and non-exclusive agreements appointing one or more Export Intermediaries for the sale of almonds with price, quantity, territorial and/or customer restrictions as otherwise provided in sections 1.a. through 1.f., inclusive, above.

- h. *Non-Member Activities.* Solicit individual non-Members either to sell almonds to CAEA for sale in the Export Markets or otherwise to combine those non-Member almonds with those of some or all of the Members for sale in the Export Markets. In no event shall a non-Member be included in any deliberations concerning any export trade activities.

2. *Exchange of Information.* To exchange and discuss the following information:

- a. Information about sale and marketing efforts for the Export Markets, activities and opportunities for sales of almonds in the Export Markets, selling strategies for the Export Markets, sales for the Export Markets, contract and spot pricing in the Export Markets, projected demands in the Export Markets for almonds, customary terms of sale in the Export Markets, prices and availability of almonds from competitors for sale in the Export Markets, and specifications for almonds by customers in the Export Markets;

- b. Information about the price, quality, quantity, source, and delivery dates of almonds available from the Members to export;

- c. Information about terms and conditions of contracts for sale in the Export Markets to be considered and/or bid on by CAEA and its Members;

- d. Information about joint bidding or selling arrangements for the Export Markets and allocations of sales resulting from such arrangements among the Members;

- e. Information about expenses specific to exporting to and within the Export Markets, including without limitation, transportation, trans- or intermodal shipments, insurance, inland freights to port, port storage, commissions, export sales, documentation, financing, customs, duties and taxes;

- f. Information about U.S. and foreign legislation and regulations, including federal marketing order programs, affecting sales for the Export Markets;

- g. Information about CAEA's or its Members' export operations, including without limitation, sales and distribution networks established by CAEA or its Members in the Export Markets, and prior export sales by Members (including export price information); and

- h. Information about customer credit terms and credit history.

3. To prescribe the following conditions for admission of Members to CAEA and termination of membership in CAEA:

- a. Membership shall be limited to persons, firms or organizations who meet the definition of "handler" as defined in 7 CFR Section 981.13.

- b. Membership shall terminate on the occurrence of the following events:

- i. Withdrawal or resignation of a Member;

- ii. Expulsion approved by a majority of all Members for a material violation of the CAEA's Operating Agreement, after prior written notice to the Member proposed to be expelled and an opportunity of such Member to appeal and be heard before a meeting of the Members;

- iii. Death or permanent disability of a Member who is an individual or the dissolution of a Member other than an individual; and

- iv. The bankruptcy of a Member as provided in the CAEA's Operating Agreement.

4. To meet to engage in the activities described in paragraphs 1 through 3 above.

Definitions

1. *Export Intermediary* means a person, including a Member, who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, engaged to conduct export trade activities on behalf of CAEA or any or all of its Members as provided in section 1.g. above, and for the providing of or arranging for the provision of Export Trade Facilitation Services.

2. *Handler* means a person handling almonds grown in California as defined in 7 CFR Section 981.13 under Order

Regulating Handling of Almonds Grown in California.

3. *Member* means a person who has membership in CAEA and who has been certified as a "Member" within the meaning of 15 CFR Section 325.2(1) of the Regulations.

Terms and Conditions of Certificate

1. Except as provided in Section 2 of the Export Trade Activities and Methods of Operation above, CAEA and its Members shall not intentionally disclose, directly or indirectly, to any handler (as defined in 7 CFR Section 981.13) of Products (including Members) any information about its or any other handler's costs, production capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies or methods, unless: (1) such information is already generally available to the trade or public; (2) such disclosure is a material part of the negotiations for an actual or potential bona fide sale or purchase of the Products and the disclosure is limited to that prospective purchaser or seller; or (3) such disclosure is made in connection with the administration of the United States Department of Agriculture marketing order for almonds grown in California.

2. Each Member shall determine independently of other Members the quantity of Products the Member will make available for export or sell through CAEA. CAEA may not solicit from any Member specific quantities for export or require any Member to export any minimum quantity of almonds.

3. Meetings at which CAEA allocates export sales among Members and establishes export prices shall not be open to the public.

4. Participation by a Member in any Export Trade Activity or Method of Operation under this Certificate shall be entirely voluntary as to that Member, subject to the honoring of contractual commitments for sales of Products in specific export transactions. A Member may withdraw from coverage under this Certificate at any time by giving a written notice to CAEA, a copy of which CAEA shall promptly transmit to the Secretary of Commerce and the Attorney General.

5. CAEA and its Members will comply with requests made by the Secretary of Commerce, on behalf of the Secretary or the Attorney General, for information or documents relevant to conduct analysis under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary believes that the information or

documents are required to determine that the Export Trade or Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of Section 303(a) of the Act.

Dated: October 12, 1999.

Morton Schnabel,

Director, Office of Export Trading, Company Affairs.

[FR Doc. 99-27092 Filed 10-15-99; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission of 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 and OMB Number: Survey of Home School Associations; OMB Number 0704-(To Be Determined).

Type of Request: New Collection.

Number of Respondents: 200.

Responses Per Respondent: 1.

Annual Responses: 200.

Average Burden Per Response: 15 minutes.

Annual Burden Hours: 50.

Needs and Uses: The Conference

Report of the National Defense Authorization Act for Fiscal Year 1999, Section 571, created a 5-year pilot program requiring the Military to give home school graduates the same priority as graduates from traditional high schools for military enlistment purposes. The Act included a requirement that the government evaluate the program's effectiveness. The Survey of Home School Associations will support this requirement. The respondents for this information collection will be presidents of home school associations nationwide. The survey will gather information on how military recruiters can effectively reach out to home schoolers. This information will be used by recruiters when targeting their efforts to the home schooling recruiting market. The survey will also gather information on how military recruiters can identify genuine home school graduates. Recruiting commands will use this information to shape their guidelines for evaluating home school graduation credentials. Individual responses to the survey will be kept confidential.

Individual responses to the survey will be kept confidential. Only group statistics will be reported. All information will be used for program evaluation and management only.

Affected Public: Not-for-profit institutions.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C.

Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, 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: October 8, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27063 Filed 10-15-99; 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: Department of Defense Reserve Forces Dental Examination; DD Form X403 (DRAFT); OMB Number 0720-[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 825,000.

Responses Per Respondent: 1.

Annual Responses: 825,000.

Average Burden Per Response: 3 minutes.

Annual Burden Hours: 41,250.

Needs and Uses: The information collection requirement is necessary to obtain and record the dental health status of members of the Armed Forces. This form is the means for civilian dentists to record the results of their findings and provide the information to the member's military organization. The military organizations are required by

Department of Defense policy to track the dental status of its members. Respondents are medical professionals who provide dental services to the general public. The form is kept in the health record until no longer needed and then it is destroyed.

Affected Public: Business or Other-For-Profit.

Frequency: Annually.

Respondent's Obligation: Voluntary.

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: October 8, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27064 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session from 8 am until 6 pm, November 8, 1999 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: October 12, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27065 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, December 9, 1999.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. section 10(d)(1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: October 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27061 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Change in Meeting Date of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a change to a closed session meeting.

DATES: The meeting was to be held at 0900, Thursday, October 7, 1999. It has been changed to 0900, Thursday October 21, 1999.

ADDRESSES: The meeting will be held Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

Timothy Doyle, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charged coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. section 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: October 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27062 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, November 17, 1999.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. section 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: October 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27067 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on November 2, 1999, November 9, 1999, November 16, 1999, November 23 and November 30, 1999, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: October 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-27066 Filed 10-15-99; 8:45 am]

BILLING CODE 1001-10-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Air Force proposes to add an exempt system

of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The exemption is intended to increase the value of the system of records, to comply with prohibitions against the disclosure of certain kinds of information, and to protect the privacy of individuals identified in the system of records.

DATES: This action will be effective without further notice on November 17, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330-1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588-6187.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency 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 proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on September 28, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix 1 to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AF DP G

SYSTEM NAME:

Military Equal Opportunity and Treatment.

SYSTEM LOCATION:

Headquarters United States Air Force, headquarters of major commands, Numbered Air Forces, field operating agencies, direct reporting units; headquarters of combatant commands for which Air Force is Executive Agent, and all Air Force installations and units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Military personnel (and family members), to include the National guard and Reserve Forces, and civilian employees who are involved in complaints or investigations relating to the Military Equal Opportunity and Treatment Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning incidents or compliant data, endorsements and recommendations, formal and informal complaints of unlawful discrimination or sexual harassment, and clarifications/investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013; Pub. L. 105-85, section 591; AFD 36-27, 'Social Actions'; Air Force Instruction 36-2706, Military Equal Opportunity and Treatment Program; and E.O. 9397 (SSN).

PURPOSE(S):

To investigate and resolve complaints of unlawful discrimination and sexual harassment under the Military Equal Opportunity and Treatment Program, and to maintain records created as a result of formal initial filing of allegations, and appeal actions of unlawful discrimination because of race, color, religion, sex, or national origin.

To report information as required by the FY 98 National Defense Authorization Act, and used as a data source for descriptive statistics.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE 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(3) as follows:

In cases of confirmed sexual harassment, identification of complainant and offender will be provided to congressional committees as required by the FY 98 National Defense Authorization Act.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilations 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:

Retrieved by case number, last name, or Social Security Number of complainant.

SAFEGUARDS:

Records are maintained in locked file cabinets, locked desk drawers or locked offices. Records are accessed by personnel responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained for two years and then destroyed.

SYSTEM MANAGER AND ADDRESS:

Deputy Chief of Staff for Personnel, Human Resources Division, Headquarters United States Air Force, 1040 Air Force Pentagon, Washington DC 20330-1040.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquires to or visit the Human Resources Division, 1040 Air Force Pentagon, Washington, DC 20330-1040, or social actions (Military Equal Opportunity) offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notice.

Individuals should provide their full name and proof of identity to determine if the system contains a record about him or her.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to the Human Resources Division, 1040 Air Force Pentagon, Washington, DC 20330-1040, or social actions (Military Equal Opportunity) offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individuals should provide their full name and proof of identity such as military identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, investigative reports,

witness statements, Air Force records and reports.

EXEMPTION 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 806b. For additional information contact the system manager.

[FR Doc. 99-27068 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Department of the Army****Board of Visitors, United States Military Academy**

AGENCY: United States Military Academy.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 19 November 1999.

Place of Meeting: Superintendent's Conference Room, Taylor Hall, United States Military Academy, West Point, New York.

Start Time of Meeting: Approximately 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: For further information, contact Lieutenant Colonel Lawrence J. Verbiest, United States Military Academy, West Point, NY 10996, (914) 938-4200.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: Annual Review of the Academic, Military and Physical Programs at USMA. All proceedings are open.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99-27057 Filed 10-15-99; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE**Department of the Army****Privacy Act of 1974; System of Records**

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Army is amending two 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.

DATES: This proposed action will be effective without further notice on November 17, 1999, unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Program Division, Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, Stop C55, Ft. Belvoir, VA 22060-5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or DSN 656-4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices 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 records 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.

Dated: October 8, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600-8 NGB**SYSTEM NAME:**

Standard Installation/Division Personnel System Army National Guard (SIDPERS-ARNG) (December 23, 1997, 62 FR 67055).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

After '10 U.S.C. 3013' add 'Secretary of the Army'.

* * * * *

A0600-8 NGB**SYSTEM NAME:**

Standard Installation/Division Personnel System Army National Guard (SIDPERS-ARNG).

SYSTEM LOCATION:

The system operates at two levels. Each state ARNG headquarters has primary responsibility for editing and updating the database; the National Guard Bureau (NGB) centrally collects and controls data flows to/from the states thereby creating the database for reports preparation to Headquarters, Department of the Army, Department of Defense, and other agencies. Addresses for each state headquarters may be obtained from the National Guard Bureau, Army National Guard Readiness Center, ATTN: NGB-ARP-S, 111 South George Mason Drive, Arlington, VA 22204-1382.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Soldier's name, Social Security Number, grade/rank, sex, race, ethnic group, current military assignment, military qualifications, dates relevant to military service, civilian occupation, and other similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; and E.O. 9397 (SSN).

PURPOSE(S):

The principal purposes are to report accessions and losses to ARNG strength; to provide information for personnel management; and to support automated interfaces with authorized information systems for pay, mobilization, etc.

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 Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tapes/discs.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Access to data storage area and distribution of printouts is controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

RETENTION AND DISPOSAL:

Data on all members of the Army National Guard is archived to magnetic media monthly and destroyed after two (2) years.

SYSTEM MANAGER(S) AND ADDRESS:

National Guard Bureau, Army National Guard Readiness Center, ATTN: NGB-ARP-S, 111 South George Mason Drive, Arlington, VA 22204-1382.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the National Guard Bureau, Army National Guard Readiness Center, ATTN: NGB-ARP-S, 111 South George Mason Drive, Arlington, VA 22204-1382.

For verification purposes, individual should provide full name, service identification number, present address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the National Guard Bureau, Army National Guard Readiness Center, ATTN: NGB-ARP-S, 111 South George Mason Drive, Arlington, VA 22204-1382.

For verification purposes, individual should provide full name, service identification number, present address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, individual's personnel and pay files, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600-20 NGB**SYSTEM NAME:**

Equal Opportunity Investigative Files (October 15, 1998, 63 FR 55372).

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change '32 U.S.C 32' to '32 U.S.C 102'.

PURPOSE(S):

Delete entry and replace with 'To investigate, resolve complaints of discrimination and issue decisions, and other determinations to complainants.'

* * * * *

A0600-20 NGB

SYSTEM NAME:

Equal Opportunity Investigative Files.

SYSTEM LOCATION:

National Guard Bureau, Directorate for Equal Opportunity, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Guard applicants for technician employment, technicians, and military members who file complaints of discrimination or who are involved in such complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaints of discrimination; counselors' reports; notification letters to the complainant; affidavits from complainant and/or witnesses; investigative reports; hearings transcript; examiner's findings, recommendations; decisional documents; and similar relevant records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 3013, Secretary of the Army; 32 U.S.C 102; DoD Directive 1350.2, DoD Military Equal Opportunity (MEO) Program; Army Regulation 600-20, Army Command Policy; and E.O. 9397 (SSN).

PURPOSE(S):

To investigate, resolve complaints of discrimination and issue decisions, and other determinations to complainants.

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 Army's compilation of systems of records notices also 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:

By name of complainant.

SAFEGUARDS:

Records are maintained in secured rooms/cabinets accessible only to designated officials who have a need in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroy 4 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

National Guard Bureau, Directorate for Equal Opportunity, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the National Guard Bureau, Directorate for Equal Opportunity, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Office of National Guard Bureau, Directorate for Equal Opportunity, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, investigative reports, witness statements, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99-27070 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-F

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Army is amending two 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.

DATES: This proposed action will be effective without further notice on November 17, 1999, unless comments are received which result in a contrary determination.

ADDRESSES: Privacy Act Officer, Records Management Program Division, Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, Stop C55, Ft. Belvoir, VA 22060-5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806-4390 or DSN 656-4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices 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 records 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.

Dated: October 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0001 DAPE-ARI

SYSTEM NAME:

Professional Staff Information File (December 17, 1997, 62 FR 66059).

CHANGES:

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

NOTIFICATION PROCEDURE:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

RECORD ACCESS PROCEDURES:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

* * * * *

A0001 DAPE-ARI**SYSTEM NAME:**

Professional Staff Information File.

SYSTEM LOCATION:

Headquarters, U.S. Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Army civilian psychologists, engineers, economists, sociologists, and other professional staff members employed by the Army Research Institute who voluntarily supply information for release and military officers assigned to the Army Research Institute who voluntarily provide information for release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain names of individuals and their curricula vitae, including data and information on the qualifications, expertise, experience and interests of the professional staff of the Army Research Institute. Data include name, grade or rank, Institute assignment, education, prior professional experience, professional activities and development, lists of awards and recognition, extra-government professional activities and significant professional publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 3013, Secretary of the Army.

PURPOSES:

To establish and maintain a professional staff directory which is used to consider staff members with special expertise for special duty assignments and to produce evidence of professional staff qualifications during Institute peer reviews and similar independent evaluations.

Records are also used as basis for summary statistical reports concerning professional qualifications.

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 Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information is stored on a personal computer.

RETRIEVABILITY:

Information is retrieved by the surname of professional person. Categorical data is retrieved by keyword.

SAFEGUARDS:

Records are accessible only to designated individuals having official need-to-know in the performance of assigned duties.

RETENTION AND DISPOSAL:

Information will be maintained during the tenure of the person and deleted upon permanent departure from the Institute.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

RECORD ACCESS PROCEDURES:

Individuals seeking to access information about themselves contained in this system should address written inquiries to the Director, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and

appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals employed by or assigned to the Army Research Institute who voluntarily submit requested information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0602 DAPE-ARI**SYSTEM NAME:**

Behavioral and Social Sciences Research Project Files (December 17, 1997, 62 FR 66059).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

NOTIFICATION PROCEDURE:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

RECORD ACCESS PROCEDURES:

Change the attention line to 'ATTN: TAPC-ARI-ASZ'.

* * * * *

A0602 DAPE-ARI**SYSTEM NAME:**

Behavioral and Social Sciences Research Project Files.

SYSTEM LOCATION:

U.S. Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600 and field offices located at Fort Benning, GA; Boise, ID; Mannheim, Germany; Naval Training Center, Orlando, FL; Fort Hood, TX; Fort Knox, KY; Fort Leavenworth, KS; Fort Bragg, NC; and Fort Rucker, AL. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officer, warrant officer, and enlisted military personnel, including Army Reservists and National

Guard; family members of the above service members' civilian employees of Department of Defense; and samples of civilians from the general U.S. population who are surveyed to determine why people do or do not consider military service as a career or a short-term employment option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Service member: Individual's name and Social Security Number, Army personnel records and questionnaire-type data relating to service member's pre-service education, work experience and social environment and culture, learning ability, physical performance, combat readiness, discipline, motivation, attitude about army life, and measures of individual and organizational adjustments; test results from Armed Services Vocational Aptitude Battery and Skill Qualification Tests.

Non-service member: Individual's name and Social Security Number, and questionnaire type data relating to non-service member's education, work experience, motivation, knowledge of and attitude about the Army. When records show military service or marriage to a service member, the appropriate non-service records will be linked to the service record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).

PURPOSE(S):

To research manpower, personnel, and training dimensions inherent in the recruitment, selection, classification, assignment, evaluation, and training of military personnel; to enhance readiness effectiveness of the Army by developing personnel management methods, training devices, and testing of weapons methods and systems aimed at improved group performance.

(No decisions affecting an individual's rights or benefits are made using these research records).

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 Army's compilation

of systems of records notices also 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, CD ROM; computer disks, and magnetic tape.

RETRIEVABILITY:

By individual's name and/or Social Security Number. For research purposes, the data are usually retrieved and analyzed with respect to relative times of entry into service, training performance, and demographic values. Scheduled data for follow-up data collections however, are retrieved by month of scheduled follow-up and by name.

SAFEGUARDS:

Access to records is restricted to authorized personnel having official need therefor. Automated data are further protected by controlled system procedures and code numbers governing access.

RETENTION AND DISPOSAL:

Information is retained until completion of appropriate study or report, after which it is destroyed by shredding or erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of survey, if known.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: TAPC-ARI-ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of survey, if known.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his or her peers, or, in the case of ratings and evaluations, from supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99-27072 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Defense Logistics Agency proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This action will be effective on November 17, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533 Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767-6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's 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 Defense Logistics Agency proposes to amend two systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records 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 new or altered systems report. The record system being amended is set forth below, as amended, published in its entirety.

Dated: October 8, 1999.

L. M. Bynum,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

S337.25 DLA-KS

SYSTEM NAME:

Employee Relations Under Negotiated
Grievance Procedures (*August 9, 1993,*
58 FR 42303).

CHANGES

SYSTEM IDENTIFIER:

Delete entry and replace with
'S370.20 CAHS'.

* * * * *

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Delete entry and replace with 'Current
and former civilian employees and
applicants on whom discipline,
grievance, complaint or appeal records
exist.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'The file
includes name, Social Security Number,
addresses, phone numbers and details
pertaining to the discipline, grievance,
complaint, or appeal.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with 'Pub. L.
92-261; 5 U.S.C. Chap. 33, Examination,
Selection, and Placement; 5 U.S.C. Chap
75, Adverse Actions; 5 U.S.C. Chapter
71, Labor-Management Relations, 29
U.S.C. Chap. 14, Age Discrimination
Employment; E.O. 9830, Amending the
Civil Service Rules and Providing for
Federal Personnel Administration;
Equal Employment Opportunity Act of
1972, and E.O. 9397 (SSN).'

PURPOSE(S):

Delete entry and replace with
'Records are used to process, administer
and adjudicate discipline, grievance,
complaints, and appeal actions. Records
are also used for litigation and program
evaluation purposes.'

**ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
THE PURPOSES OF SUCH USES:**

Delete fourth and fifth paragraphs.

* * * * *

RETRIEVABILITY:

Add to the end of the sentence 'and
Social Security Number.'

SAFEGUARDS:

Add to the end of the paragraph
'Records are secured in locked or
guarded buildings, locked offices, or
locked cabinets during nonduty hours.'

* * * * *

S370.20 CAHS

SYSTEM NAME:

Employee Relations Under Negotiated
Grievance Procedures.

SYSTEM LOCATION:

Executive Director, Human Resources
Office, Headquarters, Defense Logistics
Agency, 8725 John J. Kingman Road,
Suite 2533, Fort Belvoir, VA 22060-
6221, and the Human Resources Offices
of the DLA Primary Level Field
Activities (PLFAs). Official mailing
addresses are published as an appendix
to the DLA's compilation of systems of
records notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Current and former civilian
employees and applicants on whom
discipline, grievance, complaint or
appeal records exist.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file includes name, Social
Security Number, addresses, phone
numbers and details pertaining to the
discipline, grievance, complaint, or
appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-261; 5 U.S.C. Chap. 33,
Examination, Selection, and Placement;
5 U.S.C. Chap 75, Adverse Actions; 5
U.S.C. Chapter 71, Labor-Management
Relations, 29 U.S.C. Chap. 14, Age
Discrimination Employment; E.O. 9830,
Amending the Civil Service Rules and
Providing for Federal Personnel
Administration; Equal Employment
Opportunity Act of 1972, and E.O. 9397
(SSN).

PURPOSE(S):

Records are used to process,
administer and adjudicate discipline,
grievance, complaints, and appeal
actions. Records are also used for
litigation and program evaluation
purposes.

**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:

Representatives of the Office of
Personnel Management (OPM) on
matters relating to the inspection,
survey, audit or evaluation of civilian
personnel management programs or
personnel actions, or such other matters
under the jurisdiction of the OPM.

Appeals authority for the purpose of
conducting hearings in connection with
employee's appeals from adverse
actions and formal discrimination
complaints.

The 'Blanket Routine Uses' set forth at
the beginning of DLA'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:

Records are stored in paper and
electronic form.

RETRIEVABILITY:

Records are retrieved by name and
Social Security Number.

SAFEGUARDS:

Records are maintained in areas
accessible only to DLA personnel who
must access the records to perform their
duties. The computer files are password
protected with access restricted to
authorized users. Records are secured in
locked or guarded buildings, locked
offices, or locked cabinets during
nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed four years after
case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Human Resources
Office, Headquarters, Defense Logistics
Agency, 8725 John J. Kingman Road,
Suite 2533, Fort Belvoir, VA 22060-
6221, and the Human Resources Offices
of the DLA PLFAs. Official mailing
addresses are published as an appendix
to DLA's compilation of systems of
records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine
whether this system of records contains
information about themselves should
address written inquiries to the Privacy
Act Officer, Defense Logistics Agency,
ATTN: CAAR, 8725 John J. Kingman
Road, Suite 2533, Fort Belvoir, VA
22060-6221, or the Privacy Act Officer
of the DLA PLFA involved. Official
mailing addresses are published as an
appendix to DLA's compilation of
systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records
about themselves contained in this
system of records should address
written inquiries to the Privacy Act
Officer, Defense Logistics Agency,
ATTN: CAAR, 8725 John J. Kingman
Road, Suite 2533, Fort Belvoir, VA
22060-6221, or the Privacy Act Officer

of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99-27071 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-F

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for the Upper St. Johns River Basin Restoration, Three Forks Marsh Conservation Area Project, Brevard County, Florida

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (Corps), and the St. Johns River Water Management District intend to prepare a Draft Supplemental Environmental Impact Statement (DSEIS) on the feasibility of implementing a plan for the Upper St. Johns River Basin, Three Forks Marsh Conservation Area (TFMCA) Project in Brevard County, Florida.

ADDRESSES: Questions about the proposed action and DSEIS should be addressed to Ms. Lizabeth R. Manners, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32232-0019; Telephone 904-232-3923.

SUPPLEMENTARY INFORMATION:

a. The Final Environmental Impact Statement for the Upper St. Johns River Basin (USJRB) Project was published in 1985. The entire project area is located in Brevard, Indian River, Okeechobee, and Osceola counties and is approximately 1,659 square miles in area. The Three Forks Marsh Conservation Area (TFMCA) Project is one component of the USJRB Project.

TFMCA is approximately 14,000 acres in size and located entirely within Brevard County.

The largest portions of the TFMCA include the following: approximately 2,000 acres of mixed herbaceous marsh; approximately 1,900 acres of sawgrass; approximately 1,900 acres of pastureland; approximately 1,800 acres of mixed sawgrass/sedge marsh; and approximately 1,500 acres of primrose willow. Other vegetative communities are present in smaller portions.

Under the original General Design Memorandum and EIS, the plan called for the TFMCA to be hydrologically connected via levee gaps to the St. Johns Marsh Conservation Area (SJMCA). However, recent survey data has revealed significant subsidence in the TFMCA. If the origin plan is implemented, then overdrainage of the SJMCA would occur. In addition, a design modification is needed at two structures (S-96-B and S-96-C) currently discharging into the SJMCA. The TFMCA project would address these two concerns while providing for the main project purpose of flood control and secondary purposes of environmental protection, water quality, and water supply.

Alternatives which will be evaluated in the SEIS include the proposed TFMCA Diversion plan. Under the proposed alternative water deliveries through S-96-B and S-96-C which are currently discharged into the SJMCA would be divided. Water leaving the St. Johns Water Management Area would be discharged through S-96-B directly into the southern portion of TFMCA. Water from the Blue Cypress Marsh Conservation Area would be discharged through S-96-C directly into the southern portion of SJMCA. A discharge canal, extending from S-96-B to the northern deepwater portion of TFMCA, would have a low berm constructed along its eastern edge to prevent water from directly entering the emergent marsh portions of TFMCA. Because of subsidence and the amount of water that would be delivered into TFMCA, the lower reaches of the TFMCA would be impounded. Water would flow from TFMCA into SJMCA through a proposed weir and structure S-257. Additional plans may be identified and evaluated during the SEIS process.

Potential environmental resources and issues to be evaluated in the SEIS include project impacts on: Fish and wildlife resources Wetlands and habitat values Conversion of habitat types Water quality Endangered or threatened species

Historical or archaeological resources Aesthetics

Nuisance and exotic plant species

Because of the magnitude and duration of this project the U.S. Army Corps of Engineers and St. Johns River Water Management District have determined that a SEIS should be prepared for the Project pursuant to the National Environmental Policy Act (NEPA).

b. Scoping: The scoping process as outlined by the Council on Environmental Quality will be utilized to involve Federal, State, and local agencies; and other interested persons and organizations. Earlier this year a letter was sent to "interested Federal, State, local agencies and interested parties requesting comments and concerns regarding issues to consider during the study. Responses to this letter helped identify the potential environmental impacts listed in paragraph a. above. Additional comments are welcome and may be provided to the above address. Public meetings may be held in the future. Exact dates, times and locations will be published in local papers.

c. It is estimated that the DSEIS will be available to the public by the spring of 2000.

Dated: October 1, 1999.

James C. Duck,

Chief, Planning Division.

[FR Doc. 99-27058 Filed 10-15-99; 8:45 am]

BILLING CODE 3710-AJ-M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATE: Wednesday, November 3, 1999; 6:00-9:30 p.m.

ADDRESSES: Garden Plaza Hotel, 215 South Illinois Street, Oak Ridge, TN.

FOR FURTHER INFORMATION CONTACT: Carol Davis, Federal Coordinator/Ex-Officio Officer, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831, (423) 576-0418.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. "Overview of the Department of Energy Oak Ridge Operations" Environmental Management Program," presented by Mr. Rod Nelson, Oak Ridge Operations Assistant Manager for Environmental Management

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Carol Davis at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Carol Davis, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831, or by calling her at (423) 576-0418.

Issued at Washington, DC on October 12, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99-27076 Filed 10-15-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management (EM) Site-Specific Advisory Board (SSAB), Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald. Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that

public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, November 6, 1999. 8:30 a.m.—12:00 p.m.

ADDRESSES: Fernald Environmental Management Project, Large Laboratory Conference Room, 7400 Willey Road, Hamilton, OH 45219.

FOR FURTHER INFORMATION CONTACT:

Doug Sarno, Phoenix Environmental, MS 76, P.O. Box 538704, Cincinnati, Ohio 42553-8704, at (703) 971-0058.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

8:30 a.m.—Call to order

8:30–8:45 a.m.—Chairs Remarks and Announcements

8:45–9:00 a.m.—Report on Chairs Meeting

9:00–10:00 a.m.—Report on Stewardship Workshop

10:00–10:15 a.m.—Break

10:15–11:30 a.m.—Silos Feasibility Study

11:30–11:45 a.m.—Public Comment

11:45–12:00 a.m.—Wrap Up

12:00 p.m.—Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Jim Bierer, Chair, Fernald Citizens' Advisory Board, C/O Phoenix Environmental Corporation, MS 76, Post Office Box 538704, Cincinnati, Ohio 45253-8704, or by calling the Advisory Board at (513) 648-6478.

Issued at Washington, DC on October 12, 1999.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99-27077 Filed 10-15-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99-4429-000]

Entergy Services, Inc.; Notice of Filing

October 12, 1999.

Take notice that on September 13, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), tendered for filing the Third Amendment to the Agreement for Wholesale Power Service between Entergy Arkansas and the City of Benton, Arkansas dated September 1, 1999. The notice issued in this docket on September 17, 1999 incorrectly referred to the Sixth Amendment to the Power Agreement between Entergy Arkansas and the City of North Little Rock, Arkansas dated August 26, 1999.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 22, 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. 99-27074 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. ER99-3426-001]

San Diego Gas & Electric Co.; Notice
of Filing

October 12, 1999.

Take notice that on September 30, 1999, San Diego Gas & Electric Company (SDG&E), tendered for filing a revised tariff sheet.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 22, 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. 99-27073 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. ER99-4028-000, et al.]

Northeast Utilities Service Company, et
al.; Electric Rate and Corporate
Regulation Filings

October 8, 1999.

Take notice that the following filings have been made with the Commission:

1. Northeast Utilities Service Company

[Docket No. ER99-4028-000]

Take notice that on October 4, 1999, Northeast Utilities Service Company (NUSCO), tendered for filing a correction to the Service Agreement for Network Integration Transmission Service to the New Hampshire Electric Co-op under the NU System Companies' Open Access transmission Service Tariff No. 9.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Power Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99-4033-000]

Take notice that on October 4, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Amendment No. 1 to Supplement No. 31 to complete filing requirements for one (1) new Customer of the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of August 6, 1999, to Citizens Power Sales.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Energy, Inc.

[Docket No. ER00-25-000]

Take notice that on October 4, 1999, Puget Sound Energy, Inc. (PSE), tendered for filing as an initial rate schedule, an executed agreement by and between PSE and The Port of Seattle (Port), together with attachments thereto (the Agreement).

A copy of the filing was served upon the Port.

PSE states that the Agreement relates to the construction of a substation and related facilities in connection with service by PSE for the Port.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Central Maine Power Company

[Docket No. ER00-26-000]

Take notice that on October 4, 1999, Central Maine Power Company (CMP), tendered for filing pursuant to Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and Part 35 of the Federal Energy Regulatory Commission's Regulations, 18 CFR Part 35, an unexecuted service agreement for Firm

Local Point-To-Point Transmission Service by and between CMP and Androscoggin Energy LLC.

CMP has requested that the service agreement become effective on October 1, 1999.

Copies of this filing have been served upon the Maine Public Utilities Commission and Androscoggin Energy LLC.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. UtiliCorp United Inc.

[Docket No. ER00-27-000]

Take notice that on October 4, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with NewEnergy, Inc., for service under its short-term firm point-to-point open access service tariff for its operating divisions, Missouri Public Service and WestPlains Energy-Kansas.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. UtiliCorp United Inc.

[Docket No. ER00-28-000]

Take notice that on October 4, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with NewEnergy, Inc., for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service and WestPlains Energy-Kansas.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. UtiliCorp United Inc.

[Docket No. ER00-29-000]

Take notice that on October 4, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with Koch Energy Trading, Inc., for service under its short-term firm point-to-point open access service tariff for its operating divisions, Missouri Public Service and WestPlains Energy-Kansas.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. UtiliCorp United Inc.

[Docket No. ER00-30-000]

Take notice that on October 4, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with Koch Energy Trading, Inc., for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service and WestPlains Energy-Kansas.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. The Detroit Edison Company

[Docket No. ER00-31-000]

Take notice that on October 4, 1999, The Detroit Edison Company (Detroit Edison), tendered for filing a revised rate schedule under which Detroit Edison provides wholesale electric power and energy services to the Public Lighting Department of the City of Detroit, Michigan, pursuant to Detroit Edison's FERC Electric Tariff No. 1.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Delmarva Power & Light Company

[Docket No. ER00-32-000]

Take notice that on October 4, 1999, Delmarva Power & Light Company (Delmarva), tendered for filing an executed umbrella service agreement with Central Hudson Enterprises Corporation under Delmarva's market rate sales tariff.

Delmarva requests an effective date for the service agreement of October 4, 1999, the date of the filing.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. AES Placerita, Inc.

[Docket No. ER00-33-000]

Take notice that on October 4, 1999, AES Placerita, Inc., a corporate subsidiary of The AES Corporation, tendered for filing pursuant to Rule 205, 18 CFR 285.205, a petition for blanket waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective on the date that its long-term QF contract with Southern California Edison is terminated. AES Placerita, Inc., intends to sell electric capacity and energy at wholesale, and it proposes to make such sales subject to rates, terms and conditions to be mutually agreed to with the purchasing party. Rate Schedule No. 1 provides for the sale of capacity and energy at agreed prices.

Comment date: October 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Iroquois Gas Transmission System, L.P.

[Docket Nos. RP94-72-009, FA92-59-007, RP97-126-015 and RP97-126-000]

Take notice that an informal conference will be convened in this proceeding on Thursday, October 14, 1999, at 10:00 a.m., for the purpose of exploring settlement of the above-referenced dockets, including: those legal defense cost issues pending before the Commission from the court remand

in *Iroquois v. FERC*, 145 F.3d 398 (D.C. Cir. 1998); those Docket No. RP97-126 rate case issues currently pending appeal in D.C. Cir. Nos. 99-1175 and 99-1177; and general rate level changes and related rate change moratoria covering future years. The conference will be held at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Any party, as defined by 18 CFR 385.102(a), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert (202) 208-0783 or Lorna J. Hadlock at (202) 208-0737.

13. Northeast Texas Electric Cooperative, Inc., Upshur-Rural Electric Cooperative Corp. vs. Central and South West Services, Inc., Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, and Southwestern Electric Power Company

[Docket No. EL00-2-000]

Take notice that on October 6, 1999, Northeast Texas Electric Cooperative, Inc., and Upshur-Rural Electric Cooperative Corp., tendered for filing a complaint against the operating company subsidiaries of Central and South West Corporation and Central and South West Services, Inc., alleging that CSW is violating its Open Access Transmission Tariff.

Comment date: October 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. United States Department of Energy, Western Area Power Administration, Colorado River Storage Project, Management Center

[Docket No. TX00-1-000]

Take notice that on October 4, 1999, Western Area Power Administration (Western) filed a request for expedited consideration of its petition for a transmission service order against Public Service Company of New Mexico (PNM) under sections 211, 212 and 213 of the Federal Power Act. Western alleges an order to PNM is necessary because of PNM's improper failure to provide transmission service under PNM's Open Access Transmission Tariff (OATT). PNM's OATT is on file with the Commission (Public Service Company of New Mexico, 77 FERC ¶ 61,025 (1996).

Comment date: October 25, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. PSEG Fossil LLC

[Docket No. EG00-3-000]

Take notice that on October 5, 1999, PSEG Fossil LLC (PSEG Fossil or Applicant) with its principal office at 80 Park Plaza, Newark, New Jersey filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

PSEG Fossil is a limited liability company organized under the laws of the State of Delaware. PSEG Fossil will be engaged, directly or indirectly through an affiliate as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, exclusively in owning, or both owning and operating eligible generating facilities. PSEG Fossil will acquire and own and/or operate the majority of the non-nuclear generating facilities of Public Service Electric and Gas Company and will sell electric energy at wholesale and engage in project development activities with respect thereto.

Comment date: October 29, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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 or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-27039 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EG00-2-000, et al.]

PSEG Nuclear LLC, et al.; Electric Rate and Corporate Regulation Filings

October 7, 1999.

Take notice that the following filings have been made with the Commission:

1. PSEG Nuclear LLC

[Docket No. EG00-2-000]

Take notice that on October 5, 1999, PSEG Nuclear LLC (PSEG Nuclear or Applicant) with its principal office at 80 Park Plaza, Newark, New Jersey filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

PSEG Nuclear is a limited liability company organized under the laws of the State of Delaware. PSEG Nuclear will be engaged, directly or indirectly through an affiliate as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, exclusively in owning, or both owning and operating eligible generating facilities. PSEG Nuclear will acquire and own and/or operate the nuclear generating facilities and a related combustion turbine generator of Public Service Electric and Gas Company and will sell electric energy at wholesale and engage in project development activities with respect thereto.

Comment date: October 28, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Commonwealth Edison Company, Commonwealth Edison Company of Indiana

[Docket No. ER99-4470-000]

Take notice that on October 1, 1999, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd), tendered for filing certain tariff sheets under its Open Access Transmission Tariff in order to correct tariff sheets that ComEd had filed on September 17, 1999 in the above-referenced proceeding. ComEd states that it discovered certain inaccuracies in the Transmission Loss Study that ComEd submitted as part of its September 17, 1999, filing the correction of which results in further reductions to ComEd's loss factors and transmission rates.

Consistent with its September 17, 1999, filing ComEd requests an effective date of October 1, 1999, for the corrected tariff sheets and accordingly requests waiver of the Commission's notice requirements.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Energy, Inc.

[Docket No. ER00-9-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville), as Transmission Customer.

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Rayburn County Electric Cooperative, Inc.

[Docket No. ER00-23-000]

Take notice that on October 1, 1999, Rayburn County Electric Cooperative, Inc. tendered for filing an application for authorization to sell electric energy and capacity at market-based rates to be negotiated with the purchaser.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Northeast Utilities Service Company

[Docket No. ER00-24-000]

Take notice that on October 1, 1999, Northeast Utilities Service Company (NUSCO) on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company and Holyoke Power and Electric Company (collectively the NU Initial System Companies) tendered for filing an amendment to the Second Amendment to the Memorandum of Understanding—Pooling of Generation and Transmission which has been accepted for filing by a Commission order issued on July 28, 1999, in Docket No. ER99-3196-000. Northeast Utilities Service Co., Order Accepting For Filing And Suspending Proposed Amendment And Establishing And Deferring Hearing Procedures, 88 FERC ¶ 61,113 (1999). NUSCO states that the instant amendment (which is in the nature of a technical change or correction), is to revise the effective date of the Second Amendment to correspond to current expectations

regarding electric utility industry restructuring in Connecticut and Massachusetts.

NUSCO states that copies of this filing have been sent to the Connecticut Department of Public Utility Control, the Massachusetts Department of Telecommunications and Energy, and to all parties in Docket No. ER99-3196-000.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Rochester Gas and Electric Corporation

[Docket No. ER00-19-000]

Take notice that on October 1, 1999, Rochester Gas and Electric Corporation (RG&E), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement between RG&E and DukeSolutions, Inc. (Transmission Customer), for service under RG&E's open access transmission tariff. Specifically dealing with the "Pilot Retail Access Program" under RG&E's open access transmission tariff.

RG&E requests waiver of the Commission's notice requirements for good cause shown and an effective date of October 1, 1999, for the DukeSolutions, Inc., Service Agreement.

A copy of this Service Agreement has been served on the Transmission Customer and the New York Public Service Commission.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. AES NY, LLC v. Niagara Mohawk Power Company

[Docket No. EL00-1-000]

Take notice that on October 5, 1999, AES NY, L.L.C., tendered for filing a complaint with the Commission regarding Niagara Mohawk Power Corporation's (Niagara Mohawk) failure to comply with the terms and conditions of the Remote Load Wheeling Agreement between AES and Niagara Mohawk, Niagara Mohawk FERC Rate Schedule No. 165.

Comment date: October 25, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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 or protests should be filed on or before the

comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-27041 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00-12-000, et al.]

Puget Sound Energy, Inc., et al.; Electric Rate and Corporate Regulation Filings

October 6, 1999.

Take notice that the following filings have been made with the Commission:

1. Puget Sound Energy, Inc.

[Docket No. ER00-12-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc., (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Puget Sound Energy, Inc.

[Docket No. ER00-10-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville), as Transmission Customer.

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Energy, Inc.

[Docket No. ER00-11-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc., (as Transmission Provider) tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Montaup Electric Company

[Docket No. ER00-14-000]

Take notice that on October 1, 1999, Montaup Electric Company (Montaup), tendered for filing a notice of cancellation of its Unit Sales and Exchange Tariff, FERC Electric Tariff, Original Volume No. III, together with a notice of termination of associated service agreements, to be made effective as of December 31, 1999. Montaup states that notwithstanding such cancellation and termination, it will not terminate, prior to its term, any transaction in effect on December 31st. In such cases, the tariff and service agreement will remain in effect until the transaction terminates at the conclusion of its term.

Notice of the cancellation and termination have been served upon the following:

Aquila Energy Marketing Corporation.	ER98-569-000
Baltimore Gas & Electric Co	ER97-800-000
Boston Edison Company	ER97-2662-000
Braintree Electric Light Department.	ER96-437-000
Catex Vitol Electric, L.L.C	ER95-1168-000
Central Maine Power Company	ER95-1527-000
Cinergy Capital & Trading, Inc	ER98-3350-000
Cinergy Services, Inc	ER97-2662-000
Citizens Power LLC	ER95-1168-000
CMEX Energy Inc	ER95-1527-000
CNG Energy Services Corporation.	ER96-437-000
Coastal Electric Services Company.	ER96-104-000
Commonwealth Electric Company.	ER95-1168-000
Constellation Power Source, Inc	ER98-569-000
Coral Power, L.L.C	ER97-800-000
CPS Capital, Ltd	ER97-4623-000
CT Municipal Electric Energy Cooperative.	ER95-1168-000
Duke Louis Dreyfus LLC	ER98-569-000
Eastern Power Distribution, Inc	ER97-800-000
Edison Source	ER97-4623-000
Electric Clearinghouse, Inc	ER96-104-000
Enron Power Marketing Inc	ER95-1168-000
Equitable Power Services Company.	ER97-800-000
Federal Energy Sales, Inc	ER97-800-000
Fitchburg Gas and Electric Light Company.	ER98-1782-000
FPL Energy Power Marketing, Inc.	ER99-633-000

Green Mountain Power Corporation.	ER96-2306-000
Griffin Energy Marketing, L.L.C	ER99-633-000
Intercoast Power Marketing Company.	ER95-1168-000
KCS Power Marketing, Inc	ER96-104-000
Koch Energy Trading, Inc	ER96-437-000
LG&E Energy Marketing, Inc	ER96-2306-000
Long Island Lighting Co	ER95-1168-000
Louis Dreyfus Electric Power, Inc.	ER95-1168-000
Maine Public Service Company	ER95-1168-000
Mass Municipal Wholesale Electric Company.	ER96-1306-000
Middleborough Gas and Electric Department.	ER96-437-000
Morgan Stanley Capital Group, Inc.	ER97-2662-000
New Energy Ventures, Inc	ER97-4623-000
New England Power Company	ER96-1306-000
New York State Electric & Gas Corporation.	ER96-1306-000
Niagra Mohawk Energy	ER97-2662-000
Niagra Mohawk Power Corporation.	ER95-1168-000
North American Energy Conservation Inc.	ER96-104-000
Northeast Energy Services, Inc	ER97-4623-000
Northeast Utilities Service Company.	ER96-2306-000
NP Energy Inc	ER98-1782-000
NRG Power Marketing Inc	ER99-633-000
PacificCorp Power Marketing, Inc.	ER98-1782-000
PanEnergy Trading and Market Services, L.L.C.	ER97-800-000
Peco Energy Company	ER96-104-000
PG&E Energy Trading, Power, L.P.	ER96-2306-000
Phibro, Inc	ER96-104-000
Rainbow Energy Marketing Corp.	ER95-1168-000
Scana Energy Marketing, Inc	ER98-3350-000
Sonat Power Marketing L.P	ER97-4623-000
Southern Company Energy Marketing L.P.	ER97-800-000
Taunton Municipal Lighting Plant.	ER95-1168-000
The Power Company of America, L.P.	ER97-2662-000
Tractebel Energy Marketing, Inc	ER97-4623-000
TransCanada Energy Ltd	ER97-800-000
United Illuminating Company ..	ER96-104-000
Unitil Power Corp.	ER98-1782-000
Vermont Marble Power Division.	ER95-1168-000
Western Power Services, Inc	ER97-2662-000

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Commonwealth Edison Company

[Docket No. ER00-15-000]

Take notice that on October 1, 1999, Commonwealth Edison Company (ComEd), tendered for filing pursuant to Section 35.15 of the Commission's Regulations, 18 CFR 35.15, Notices of Cancellation for the following Service Agreements between ComEd and QST Energy Trading Inc. (QST): (1) Service Agreement No. 49 under ComEd's Market-Based Rate Schedule (FERC Electric Tariff, Original Volume No. 6); (2) Service Agreement No. 125 under ComEd's Power Sales and Reassignment of Transmission Rights PSRT-1 Tariff (FERC Electric Tariff, First Revised Volume No. 2); and (3) Service Agreement No. 185 under ComEd's

Open Access Transmission Tariff (FERC Electric Tariff Volume No. 5).

ComEd requests an effective date of October 2, 1999, for the cancellations and accordingly requests waiver of the Commission's notice requirements.

ComEd served copies of the filing upon QST.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Louisville Gas and Electric Company/ Kentucky Utilities Company

[Docket No. ER00-17-000]

Take notice that on October 1, 1999, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (Companies), tendered for filing an executed Netting Agreement between the Companies and The Legacy Energy Group, LLC.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Energy Trading and Marketing, Inc.

[Docket No. ER00-16-000]

Take notice that on October 1, 1999, Southern Energy Trading and Marketing, Inc. (SETM), tendered for filing a Notice of Cancellation pursuant to 18 CFR 35.15, in order to reflect the cancellation of its Market Rate Tariff, designated as FERC Electric Rate Schedule No. 1, originally accepted for filing in Docket No. ER95-976-000.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric Company/ Kentucky Utilities Company

[Docket No. ER00-18-000]

Take notice that on October 1, 1999, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (Companies), tendered for filing an executed bilateral Service Agreement between the Companies and The Legacy Energy Group, LLC., under the Companies Rate Schedule MBSS.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER00-20-000]

Take notice that on October 1, 1999, UtiliCorp United Inc., tendered for filing a Service Agreement under its Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 28, with Minnesota Municipal Power Agency. The Service Agreement provides for the sale of capacity and energy by UtiliCorp United Inc., to Minnesota Municipal Power Agency pursuant to the tariff.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Reliant Energy Osceola, LLC

[Docket No. ER00-22-000]

Take notice that on October 1, 1999, Reliant Energy Osceola, LLC (Reliant Osceola), tendered for filing pursuant to Section 205 (18 CFR 385.205), a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 authorizing Reliant Osceola to make sales at market-based rates. Reliant Osceola intends to sell electric power at wholesale. In transactions where Reliant Osceola sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Reliant Osceola's Rate Schedule provides for the sale of energy and capacity at agreed prices.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Rochester Gas and Electric Corporation

[Docket No. ER00-21-000]

Take notice that on October 1, 1999, Rochester Gas and Electric Corporation (RG&E), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement between RG&E and DukeSolutions, Inc. (Transmission Customer), for service under RG&E's open access transmission tariff. Specifically dealing with the "Pilot Retail Access Program" under RG&E's open access transmission tariff.

RG&E requests waiver of the Commission's notice requirements for good cause shown and an effective date of October 1, 1999, for the DukeSolutions, Inc., Service Agreement.

A copy of this Service Agreement has been served on the Transmission Customer and the New York Public Service Commission.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Central Illinois Light Company

[Docket No. ER00-2-000]

Take notice that on October 1, 1999, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission an Index of Customers under its Market Rate Power Sales Tariff and two service agreements with two

new customer Allegheny Power Service Corporation and Southern Illinois Power Cooperative and a name change for one customer now known as New Energy Ventures, Inc.

CILCO requested an effective date of September 30, 1999, for the new service agreements.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER00-3-000]

Take notice that on October 1, 1999, PacifiCorp tendered for filing in accordance with Part 35 of the Commission's Rules and Regulations, fully executed umbrella service agreements (Service Agreements) with Noresco, The Energy Authority, Inc. (TEA), and Tuscon Electric Power Company (Tuscon). Also filed was a Certificate of Concurrence of Tuscon.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Northeast Utilities Service Company

[Docket No. ER00-4-000]

Take notice that on October 1, 1999, Northeast Utilities Service Company (NUSCO), on behalf of the NU Operating Companies tendered for filing, under Section 205 of the Federal Power Act, proposed amendments to its market-based rate Tariff No. 7 that would incorporate language regarding the reassignment of transmission capacity and that would specify ancillary services available at market-based rates, among other things.

NUSCO states that copies of this filing have been served on purchasers under Tariff No. 7 and the Connecticut, Massachusetts and New Hampshire public utility commissions.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Puget Sound Energy, Inc.

[Docket No. ER00-5-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power

Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Puget Sound Energy, Inc.

[Docket No. ER00-7-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Puget Sound Energy, Inc.

[Docket No. ER00-6-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. TransÉnergie U.S. Ltd

[Docket No. ER00-1-000]

Take notice that on October 1, 1999, TransÉnergie US Ltd. (TEUS), tendered for filing pursuant to Section 205 of the Federal Power Act, a Transmission Tariff offering transmission service over TEUS' proposed Cross Sound Cable Interconnector. The proposed Interconnector will connect the 345 kV bulk power system in Connecticut with the 138 kV bulk power system on Long Island via a direct current submarine cable under the Long Island Sound. TEUS petitioned the Commission for an order accepting the Tariff and granting related authorizations and waivers.

Copies of the filing have been served on the New York and Connecticut regulatory agencies, the New York ISO, ISO-New England, United Illuminating Company, LIPA, and the Northeast Power Coordinating Council.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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 or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-27038 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6459-4]

Agency Information Collection Activities:

Proposed Collection; Comment Request; Operating Permits Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Part 70 Operating Permits Regulations, EPA ICR Number 1587.04, OMB Control Number 2060-0243, expiration date February 28, 2000. Before submitting the ICR to OMB for review and approval, EPA is soliciting comment on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 17, 1999.

ADDRESSES: For a copy of the draft ICR estimates, contact Roger Powell at (919)

541-5331 or "powell.roger@epa.gov" and refer to EPA ICR Number 1587.05. To obtain a copy of the draft ICR estimates electronically, go to: "http://www.epa.gov/ttn/oarpg/t5ria.html" on the internet.

FOR FURTHER INFORMATION CONTACT: Roger Powell at (919) 541-5331 and e-mail address listed above.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which must apply for and obtain an operating permit under title V of the Clean Air Act (Act). These, in general, include sources which are defined as "major" under any title of Act.

Title: Part 70 Operating Permits Regulations; OMB Control Number 2060-0243; EPA ICR Number 1587.04; expiring February 28, 2000.

Abstract: Title V of the Act requires States to develop and implement a program for issuing operating permits to all source that fall under any Act definition of major and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs and to oversee implementation of the programs. The EPA regulations setting forth requirements for the operating permits programs are at part 70, title 40, chapter I of the Code of Federal Regulations.

In implementing title V of the Act and EPA's part 70 operating permits regulations, State and local permitting agencies must develop programs and submit them to EPA for approval (section 502(d)) and sources subject to the program must develop operating permit applications and submit them to the permitting authority within 1 year after program approval (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(d)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). All information submitted by a source and the issued permit shall also be available for public review except for confidential information which will be protected from disclosure (section 503(e)). Sources will semi-annually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program and to administer a Federal operating permits program in the event a program is not approved for a State (section 502(d)(3))

or if EPA determines the permitting authority is not adequately administering its approved program (section 502(i)(4)). The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. This notice provides updated burden estimates from a previously approved ICR.

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 EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The projected cost for implementing the part 70 program for the 3 years from February 28, 2000 until February 28, 2003 are approximately 5 million annual burden hours at an annual cost of approximately 223 million dollars. 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.

The burden hours break out to be just under 1.5 million hours for permitting authorities and just over 3.5 million hours for sources. The costs break out to be around 53 million dollars per year for permitting authorities and 170 million dollars per year for sources. During the period of this ICR, permitting authorities (in addition to general administration of the program) primarily will be issuing the remaining permits required by the program (just under 10,000), revising permits that have already been issued, renewing permits whose 5-year terms will expire, and reviewing semi-annual compliance monitoring reports for issued permits. Sources in the part 70 program primarily will be interacting with the permitting authority on permit issuance (for those that have not been issued), preparing semi-annual compliance monitoring reports, revising their permits as needed, carrying out periodic monitoring that was created as a result of the program, and preparing applications for permit renewal as necessary.

Dated: October 6, 1999.

William T. Harnett,

Acting Director, Information Transfer and Program Integration Division.

[FR Doc. 99-27139 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6460-3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Investigation Into Possible Noncompliance of Motor Vehicles With Federal Emission Standards

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: Investigation into Possible Noncompliance of Motor Vehicles with Federal Emission Standards, EPA ICR No. 222.05, OMB Control No. 2060-0086, 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 November 17, 1999.

FOR FURTHER INFORMATION OR A COPY: Contact Sandy Farmer at EPA by phone at (202) 260-2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 222.05.

SUPPLEMENTARY INFORMATION:

Title: Investigation into Possible Noncompliance of Motor Vehicles with Federal Emission Standards. (OMB Control No. 2060-0086, EPA ICR No. 222.05), expiring 11/30/99. This is a request for extension of a currently approved collection.

Abstract: This information collection includes three instruments that are used by the U.S. EPA to identify motor vehicles and engines for possible inclusion in its emissions control testing programs. The self-addressed postcard and owner telephone questionnaire are completed using information given by owners of vehicles or engines from a vehicle class under investigation. The maintenance verification form is administered to representatives of service facilities that performed maintenance on vehicles or engines whose owners have responded to the owner telephone questionnaire. This form is intended to be used to supply missing information when necessary. Responses to this collection are voluntary.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a 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 Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 18, 1999 (64 FR 26958); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes 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:

Individual Vehicle Owners, Trucking Industry Members, and Vehicle Dealership Personnel.

Estimated Number of Respondents: 985.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 587.

Estimated Total Annualized Capital, O&M 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. 222.05 and OMB Control No. 2060-0086 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: October 4, 1999.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99-27143 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6460-4]

National Drinking Water Advisory Council; Notice of Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under Section 10(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S3300f *et seq.*), will be held on November 2, 1999, from 9:00 a.m. until 6:45 p.m., November 3, 1999, from 9:00 a.m. until 5:45 p.m., and on November 4, 1999, from 9:00 a.m. until 12:30 p.m., at the Tremont Suites Hotel, 222 Saint Paul Place, Baltimore, Maryland. The major focus of this meeting is to brief the Council on alternative sources of drinking water, i.e., bottled water and point-of-use/point-of-entry systems; present the final reports for the Right-to-Know and Health Care Provider Outreach and Education Working Groups; and provide updates on the Environmental Protection Agency's (EPA) upcoming regulations and research activities.

The meeting is open to the public. The Council encourages the hearing of outside statements and will allocate one hour for this purpose. Oral statements will be limited to five minutes, and it is preferred that only one person present the statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 260-2285 before October 29, 1999.

Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received prior to the meeting will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Members of the public that would like to attend the meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, DC 20460. The telephone number is Area Code (202)

260-2285 or E-Mail
shaw.charlene@epa.gov.

Dated: October 12, 1999.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 99-27144 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-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 November 2, 1999.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. *The Irrevocable Amundson Grandson's Family Trust, and The Irrevocable Amundson Granddaughter's Family Trust*, both of Sioux Falls, South Dakota; to acquire voting shares of Madison Agency, Inc., Sioux Falls, South Dakota, and thereby indirectly acquire voting shares of First Security Bank - Sanborn, Sanborn, Minnesota.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Craig G. Brewster*, Butte, Nebraska; to acquire voting shares of Butte State Company, Butte, Nebraska, and thereby indirectly acquire voting shares of Butte State Bank, Butte, Nebraska.

Board of Governors of the Federal Reserve System, October 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-27117 Filed 10-15-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM**Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities**

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 2, 1999.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. *Patriot Bank Corp., Inc.*, Pottstown, Pennsylvania; to acquire ZipFinancial.com, Inc., and thereby engage *de novo* in providing data processing and data transmission services via the Internet, pursuant to § 225.28(b)(14) of Regulation Y.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *The Dai-Ichi Kangyo Bank, Limited*, Tokyo, Japan; to acquire through its subsidiary, The CIT Group, Inc., New York, New York, certain factoring and commercial finance assets of Heller Financial Inc., Chicago, Illinois, and thereby engage in extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y; and in engaging in activities related to the extension of credit, pursuant to § 225.28(b)(2) of Regulation Y.

Board of Governors of the Federal Reserve System, October 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-27116 Filed 10-15-99; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 99N-1502]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Quality Mammography Standards; Lay Summaries for Patients

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 17, 1999.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Quality Mammography Standards; Lay Summaries for Patients

The Mammography Quality Standards Act (Public Law 102-539) (the MQSA) was passed on October 27, 1992, to establish national quality standards for mammography. The MQSA required that, to lawfully provide mammography services after October 1, 1994, all facilities, except facilities of the Department of Veterans Affairs, shall be accredited by an approved accreditation body and certified by the Secretary of Health and Human Services (the

Secretary). To become accredited and certified, a facility had to meet national quality standards to be established by the Secretary. The authority to establish these standards, to approve accreditation bodies, and to certify facilities was delegated by the Secretary to FDA. Facilities were initially accredited and certified if they met the standards contained within the interim rules issued by FDA in the **Federal Register** of December 21, 1993 (58 FR 67558 and 67565), and amended by another interim rule published in the **Federal Register** on September 30, 1994 (59 FR 49808). More comprehensive standards were proposed by FDA in the **Federal Register** of April 3, 1996 (61 FR 14856, 61 FR 14870, 61 FR 14884, 61 FR 14898, and 61 FR 14908). After some revision in response to the approximately 8,000 comments received on the proposed rule, a final rule amending part 900 (21 CFR part 900) was published in the **Federal Register** of October 28, 1997 (62 FR 55852) (hereinafter referred to as the October 1997 final rule). The effective date of most of the new standards contained within the final rule was April 28, 1999, but a few will not become effective until October 28, 2002.

On October 9, 1998, the Mammography Quality Standards Reauthorization Act (MQSRA) (Public Law 105-248) became law. The basic purpose of the MQSRA was to extend the authorities established by the MQSA until September 30, 2002. However, the MQSRA also contained a requirement that was significantly different from the corresponding requirement in the October 1997 final rule. Although this MQSRA requirement became effective on April 28, 1999, FDA decided to amend the final rule to incorporate the change. The purpose of this amendment is to provide to the mammography facilities the convenience of being able to find all of the quality standards within a single document instead of having to consult both the October 1997 final rule and the MQSRA and to avoid confusion as to the applicable reporting requirement.

This regulation merely implements a statutory information collection requirement; there is no additional burden attributable to the regulation. This rule would conform the requirements of this section with the requirement of section 6 of Public Law 105-248 which states that: "(IV) whether or not such a physician is available or there is no such physician, a summary of the written report shall be sent directly to the patient in terms easily understood by a lay person." To produce the required lay summary, the

mammography facilities will review the medical report of each patient's examination and collect from it the necessary information.

Section 900.12(c)(2) requires that each mammography facility shall send each patient a summary of the mammography report written in lay terms within 30 days of the mammographic

examination. If assessments are "Suspicious" or "Highly suggestive of malignancy," § 900.12(c)(2) requires that the facility shall make reasonable attempts to ensure that the results are communicated to the patient as soon as possible.

In the **Federal Register** of June 17, 1999, FDA published a direct final rule

(64 FR 32404) and a companion proposed rule (64 FR 32443). FDA invited interested persons to comment on the direct final rule and companion proposed rule by August 31, 1999. FDA received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
900.12(c)(2)	9,800	4,080	39,984,000	5 minutes	3,332,000

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that there are 9,800 facilities performing mammography in the United States. FDA also estimates that these facilities perform a total of 40 million mammography examinations in a year. In 90 percent of these cases, the notification to the patient can be established by a brief standardized letter to the patient. FDA estimates that preparing and sending this letter will take approximately 5 minutes. In the 10 percent of the cases in which there is a finding of "Suspicious" or "Highly suggestive of malignancy," the facility would be required to make reasonable attempts to ensure that the results are communicated to the patients as soon as possible. FDA believes that this requirement can be met by a 5 minute call from the health professional to the patient. Thus, the estimated burden is 3,332,000 (39,984,000 x 1/12 hour).

Dated: October 12, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning and Legislation.

[FR Doc. 99-27029 Filed 10-15-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, DOI.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Permit No. TE-017185

Applicant: Rick Fox, City of San Diego, Escondido, California.

The applicant requests a permit to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) and to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with scientific research throughout their range in California for the purpose of enhancing their survival.

Permit No. TE-017549

Applicant: Mary J. Whitfield, Weldon, California.

The applicant requests a permit to take (harass by survey, and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with scientific research throughout its range in the State of California for the purpose of enhancing its survival.

Permit No. TE-017919

Applicant: Santa Cruz Predatory Bird Research Group, Santa Cruz, California.

The applicant requests a permit to take (capture, band, tag, and translocate) San Clemente loggerhead shrikes (*Lanius ludovicianus mearnsi*) which are predated upon other federally listed species. These take activities are to occur throughout the species range for the purpose of enhancing its survival.

Permit No. TE-817991

Applicant: Nancy Rena Siepel, Cayucos, California.

The applicant requests a permit amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with scientific research throughout the species range for the purpose of enhancing its survival.

Permit No. TE-018078

Applicant: Hawaii Volcanoes National Park, Hawaii.

The permittee requests a permit renewal to take (capture using nets, locate nests using trained dogs, handle individuals and eggs, band, tag, collect blood and feathers, and release) nene geese (*Nesochen (=Branta) sandwichensis*) in conjunction with scientific research and scientific research, and take (capture, handle, band, and release) Hawaiian dark-rumped petrels (*Pterodroma phaeopygia sandwichensis*) in conjunction with scientific research throughout their range for the purpose of enhancing their survival. The applicant also requests to remove and reduce to possession specimens of the following plant species: *Adenophorus perieni*, *Argyroxiphium kauense*, *Argyroxiphium sandwichense* var. *sandwichense*, *Asplenium fragile* var. *insulare*, *Cyrtandra giffardii*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Ischaemum byrone*, *Kokia drynarioides*, *Nothoecstrum breviflorum*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Portulaca sclerocarpa*, *Pritchardia affinis*, *Sesbania tomentosa*, *Silene hawaiiensis*, *Spermolepis hawaiiensis*, and *Zanthoxylum hawaiiense*. Take and collection activities will be conducted throughout the range of the species in conjunction with propagation and outplanting in order to enhance their survival. These activities were previously authorized under subpermit NPSHV.

Permit No. TE-018111

Applicant: TENERA Energy, San Francisco, California.

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the tidewater goby (*Eucyclogobius newberryi*) throughout

the range of the species in conjunction with surveys and ecological research for the purpose of enhancing its survival.

Permit No. TE-016591

Applicant: Wendy Weber, Hayward, California.

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the species range in California, in conjunction with surveys, for the purpose of enhancing their survival.

Permit No. TE-017352

Applicant: Division of Fish and Wildlife, Saipan, Northern Mariana Islands.

The permittee requests a permit renewal (previously authorized under subpermit CNMIFW-10) to: take (capture, measure, weigh, band, radio-tag, and withdraw blood) the Mariana crow (*Corvus kubaryi*) and the Mariana moorhen (*Gallinula chloropus guami*); take (capture, band, and withdraw blood) the Micronesian (or La Perouse's) megapode (*Megapodius laperouse*); take (capture and band) the Mariana gray (or Vanikoro) swiftlet (*Aerodramus vanikorensis bartschi*), Tinian monarch (*Monarcha takatsukasa*), and nightingale reed warbler (*Acrocephalus luscini*); and take (capture, measure, radio-tag, and collect tissue biopsies) the green sea turtle (*Chelonia mydas*) and the hawksbill sea turtle (*Eretmochelys imbricata*); The applicant also requests a permit amendment to take (radio-tag) the nightingale reed warbler and the Mariana gray (or Vanikoro) swiftlet; and take (collect feathers) the Micronesian megapode in conjunction with scientific research in the Commonwealth of the Northern Mariana Islands for the purpose of enhancing their survival.

Permit No. TE-702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The applicant requests a permit amendment to remove and reduce to possession specimens of the following plant species: *Clermontia samuelii* (oha wai); *Cyanea copelandii* ssp. *haleakalaensis* (haha); *Cyanea glabra* (haha); *Cyanea hamatiflora* ssp. *hamatiflora* (haha); *Dubautia plantaginea* ssp. *humilis* (na'ena'e); *Hedyotis schlehtendahlia* var. *remyi* (kopa); *Kanaloa kahoolawensis* (kohe

malama malama o Kanaloa); *Labordia tinifolia* var. *lanaiensis* (kamakahala); *Labordia triflora* (kamakahala); and *Melicope munroi* (alani). Collection activities will be conducted throughout the species range in conjunction with recovery efforts for the purpose of enhancing their propagation and survival.

Permit No. TE-017949

Applicant: Peter Lewendal, Junction City, California.

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the species range in California and Oregon, in conjunction with surveys, for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received on or before November 17, 1999.

ADDRESSES: Written data or comments should be submitted to the Chief-Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: October 7, 1999.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 99-27055 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Ballast Water and Shipping Committee of the Aquatic Nuisance Species Task Force. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION**.

DATES: The Committee will meet from 10:00 am to 3:00 pm, on Thursday, November 4, 1999.

ADDRESSES: The meeting will be held at the Coast Guard Headquarters, Room 2415, 2100 Second Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: LT Mary Pat McKeown, U.S. Coast Guard, Chair, Ballast Water and Shipping Committee, at 202-267-0500 or by e-mail at mmckeown@comdt.uscg.mil or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force, at 703-358-2308 or by e-mail at: sharon_gross@fws.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701-4741).

This meeting will include briefings and updates on the ongoing ballast water related research projects, a discussion of the efforts to address environmental soundness of technologies, and a discussion of how aquatic nuisance species removal efficiency values will be developed.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, 4401 North Fairfax Drive, Arlington, Virginia 22203-1622, and the Chair, Ballast Water and Shipping Committee at the Environmental Standards Division, Office of Operations and Environmental Standards, U.S. Coast Guard (G-MSO-4), 2100 Second Street, SW., room 1309, Washington, DC 20593-0001. Minutes for the meetings will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: October 12, 1999.

Hannibal Bolton,

Acting Co-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries.

[FR Doc. 99-27078 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-923-1150-AA]

Closure of Public Lands

AGENCY: Bureau of Land Management, Malta Field Office, DOI.

ACTION: Notice.

SUMMARY: Notice is hereby given that effective immediately, the area described below is closed to the discharge or use of firearms. This closure only affects public lands. The areas closed are described as the 40 Complex between Dry Fork and Beauchamp Creek and an area south of Pea Ridge in south Phillips County, Montana. The public lands in the 40 Complex include: T. 24 N., R. 27 E., sec. 20, all; sec. 21, all; sec. 25, all; sec. 26, all; sec. 27, all; sec. 28, all; sec. 29, N $\frac{1}{2}$ and SE $\frac{1}{4}$; sec. 34, all; sec. 35, all; T. 24 N., R. 28 E., sec. 31, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; sec. 32, all; T. 23 N., R. 27 E., sec. 1, lots 1 through 4 inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$; sec. 2, lots 1 through 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$; sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$; sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$; sec. 11, all; sec. 12, all; sec. 13, all; T. 23 N., R. 28 E., sec. 5, lots 1 through 4 inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$; sec. 6, lots 1 through 7 inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$; sec. 7, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; sec. 8, all; sec. 17, all; sec. 18, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; which included prairie dog colonies B040, B041, B042, B043, B045, B047, B069, B072, and B148. The public lands in the area south of Pea Ridge includes T. 22 N., R. 29 E., sec. 9, all; sec. 10, all; sec. 11, all; sec. 13, all; sec. 14, all; sec. 15, all; sec. 17, E $\frac{1}{2}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$; sec. 20, N $\frac{1}{2}$ and SE $\frac{1}{4}$; sec. 21, all; sec. 22, all; sec. 23, all; sec. 24, all; sec. 25, all; sec. 26, all; sec. 27, all; sec. 28, all; sec. 29, all; T. 22 N., R. 30 E., sec. 18, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; sec. 19, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; sec. 30, lots 1 through 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$; which includes prairie dog colonies B095, B096, B090, B111, B163 and B164. Signs noting this closure will be placed at strategic access points around the area and maps depicting the area are

available to the public at the Bureau of Land Management's Malta Field Office in Malta, Montana, 501 South Second East. Telephone 406-654-1240.

The purpose of the closure is to protect habitat for the reintroduction of the endangered black-footed ferret (*MUSTELA NIGRIPES*). That habitat is black-tailed prairie dog (*CYNOMYS LUDOVICIANUS*) colonies. The area within the closure has been identified as a key reintroduction site for black-footed ferrets because of the presence of viable black-tailed prairie dog colonies in close proximity to each other. Prairie dogs are critical prey species for ferrets and the number of prairie dogs has declined in recent years. The closure area has been identified to protect the prairie dog population from further decline due to recreational shooting. The area will remain closed until further notice. The authority for this closure is found in 43 CFR 8364.1.

In accordance with 43 CFR 8364.1(b)(4), persons who hold valid authorization from the Montana Department of Fish, Wildlife and Parks to hunt big game, upland game birds, or waterfowl may use or discharge firearms in the closed area for the purpose of taking these permitted animals in accordance with the applicable state regulations. Authorized personnel of the Bureau of Land Management, Animal Plant Health Inspection Service, state and local law enforcement agencies, and other emergency services are exempt from this closure when executing their official duties.

In accordance with 43 CFR 8360.0-7, persons who violate this closure may be subject to a fine not to exceed \$1,000 and/or imprisonment not-to-exceed 12 months.

DATES: October 18, 1999.

LOCATION: Public lands in south Phillips County, Montana.

FOR FURTHER INFORMATION CONTACT: Richard M. Hotaling, Field Manager, Malta Field Office, Bureau of Land Management, HC 65 Box 5000, 501 South Second Street East, Malta, Montana 59538-0047, 406-654-1240.

Dated: October 7, 1999.

John E. Moorhouse,

Acting Deputy State Director, Division of Resources.

[FR Doc. 99-27043 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-DN-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-040-00-1040-AE]

AGENCY: Bureau of Land Management, DOI.

ACTION: Gila Box Riparian National Conservation Area Advisory Committee meeting.

SUMMARY: The purpose of this notice is to announce the next meeting of the Gila Box Riparian National Conservation Area Advisory Committee Meeting. The purpose of the Advisory Committee is to provide informed advice to the Safford Field Office Manager on management of public lands in the Gila Box Riparian National Conservation Area (NCA). The committee meets as needed, generally between two and four times a year.

The meeting will take place at the Bureau of Land Management, Safford Field Office on November 5, 1999 commencing at 9:00 a.m. The meeting will consist of a field trip to the west end of the NCA to look at a new recreation facilities, road closures and signing effort, salt cedar invasion, and road standards for road infrastructure in and around the NCA. A public comment period will be provided from 9:15 to 9:45 a.m. at the Bureau of Land Management, Safford Field Office prior to departing for the field trip. The public is invited to participate on the field trip but must provide their own transportation to and from the field. Field trip will depart at 10:00 a.m. and arrive back at the Bureau of Land Management, Safford Field Office at 4:00 p.m.

DATES: Meeting will be held on November 5, 1999 starting at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Jon Collins, Gila Box NCA Project Coordinator, Safford Field Office, 711 14th Ave., Safford AZ 85546, (520) 348-4400.

Dated: October 4, 1999.

Frank L. Rowley,

Program Manager for Support Services.

[FR Doc. 99-27044 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-130-1220-XU; GP0-0007]

Temporary Restrictions on Public Lands; Escure Ranch (Rock Creek Area, Adams and Whitman Counties); Spokane District, Washington

AGENCY: Bureau of Land Management, Spokane District.

ACTION: The announcement of temporary restrictions on recently-acquired public lands in Washington known as the Escure Ranch. This action is taken to protect ranch buildings, facilities, and sensitive riparian and upland resources from vandalism, wildfire, and damage.

SUMMARY: The Bureau of Land Management recently completed a land exchange which resulted in the transfer of the Escure Ranch along Rock Creek in Adams and Whitman Counties into public ownership. The property includes buildings, fences, other improvements, and sensitive riparian and upland resources. This area is now known as the Escure Ranch (Rock Creek Area). Interim action is needed to protect these features until permanent measures are implemented to provide long-term management and protection. Development of a long-term management plan is underway which will provide for management and protection of the improvements and natural resources. These recently-acquired lands are open to public use with restrictions on overnight use, campfires, and off-highway vehicle use.

EFFECTIVE DATES: These restrictions go into effect October 19, 1999 and will remain in effect until modified by the Authorized Officer but no later than the completion of the management plan.

FOR FURTHER INFORMATION CONTACT: Clifford Ligons, Border Field Office Manager, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212-1275; or call (509) 536-1200.

SUPPLEMENTARY INFORMATION: The public lands affected by these restrictions are described as follows:

Willamette Meridian, Washington

- T. 17 N., R. 38 E.,
Sections 1, 3, & 12, All;
Section 4, E $\frac{1}{2}$ E $\frac{1}{2}$;
Section 11, All that portion lying North & East of Adams County Zornes Road.
- T. 18 N., R. 38 E., Section 13, All that portion lying South of Adams County Paxton Road, Except that portion conveyed to Adams County by Deed recorded January 13, 1911 in Book 42 of Deeds, page 200;
Section 15, that portion of the SE $\frac{1}{4}$ lying East of the S.P. & S. Railway and South of the Chicago, Milwaukee, St. Paul & Pacific Railway rights-of-way as conveyed in Deeds, Vol. 23, Pg. 410; Vol. 23, Pg. 467; Vol. 26, Pg. 331; Vol. 26, Pg. 329; & Vol. 30, Pg. 308;
Section 22, that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying East of the S.P. & S. Railway Right-of-way; and those portions, if any, of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ lying East of said Right-of-Way;
Sections 23, 24, 25, 26, & 35, All;

Sections 27, 33 & 34, all those portions lying East of the S.P. & S. Railway right-of-way, Except those portions conveyed to the Portland & Seattle Railway Co. By Deed recorded in Vol. 26 of Deeds, Pg. 115.

Aggregating 7,598 acres, more or less, in Adams County, Washington.

Willamette Meridian, Washington

- T. 17 N., R. 39 E.,
Sections 5, 6, 7 and 8, All.
- T. 18 N., R. 39 E.,
Section 7, All that portion lying South of Paxton County Road No. 4130;
Section 17, All that portion lying West of the Revere-Winnona County Road No. 4010;
Section 18, All, Except that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ lying North of the Paxton County Road No. 4130 conveyed by Deed to John & Jacqueline Brown, recorded under Microfilm No. 498387;
Sections 19, 30, & 31, All.
- Aggregating 5,149 acres, more or less in Whitman County, Washington.

These lands are open to public recreational uses with the following exceptions: (1) The lands are closed to overnight use. Day use is allowed between the hours of 5 am and 10 pm, Pacific Time; (2) Motorized vehicle use is limited to designated roads only. Designated roads are marked on the ground with a green dot on a brown post. If a road is not posted with this green dot system, it is closed to vehicle use under this order. Closed roads are also posted with signs at the intersections; (3) Campfires and charcoal fires are not allowed; (4) All ranch buildings and their premises are closed to the public.

The exceptions to these restrictions include emergency, utility or law enforcement personnel, BLM personnel, participants in tours or events sponsored by the BLM, and others authorized in writing by the Authorized Officer of the BLM. The authorities for these restriction orders are 43 CFR 8341.2 and 8364.1. Any person violating 43 CFR 8364.1(d) by failing to comply with any of these restrictions may be subject to fines and/or imprisonment in accordance with the applicable provisions of 43 CFR 8360.0-7 and 18 U.S.C. 3571.

Dated: October 12, 1999.

Joseph K. Buesing,

Spokane District Manager.

[FR Doc. 99-27056 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-952-09-1420-00]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: David J. Clark, Chief, Branch of Geographic Services, Bureau of Land Management (BLM), Nevada State Office, 1340 Financial Blvd., P.O. Box 12000, Reno, Nevada 89520, 775-861-6541.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on July 22, 1999:

The plat, representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, the subdivision of section 5, and a metes-and-bounds survey in section 5, Township 23 South, Range 62 East, Mount Diablo Meridian, Nevada, under Group No. 782, was accepted July 20, 1999.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Supplemental Plat of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on September 23, 1999:

The supplemental plat, showing a subdivision of original lot 4 and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 6, T. 14 N., R. 71 E., Mount Diablo Meridian, Nevada, was accepted September 21, 1999.

This plat was prepared to meet certain administrative needs of Baker Ranches, Inc. and the Bureau of Land Management.

3. The Supplemental Plat of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on September 23, 1999:

The supplemental plat, showing a subdivision of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 7, T. 14 N., R. 71 E., Mount Diablo Meridian, Nevada, was accepted September 21, 1999.

This plat was prepared to meet certain administrative needs of Baker Ranches, Inc. and the Bureau of Land Management.

4. The Supplemental Plat of the following described lands was officially

filed at the Nevada State Office, Reno, Nevada on September 23, 1999:

The supplemental plat, showing a subdivision of original lots 2, 3, and 4 of sec. 18, T. 14 N., R. 71 E., Mount Diablo Meridian, Nevada, was accepted September 21, 1999.

This plat was prepared to meet certain administrative needs of Baker Ranches, Inc. and the Bureau of Land Management.

5. The above-listed surveys are now the basic records for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: September 30, 1999.

David J. Clark,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 99-27045 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Minerals Management Service, Interior.

ACTION: List of Restricted Joint Bidders.

SUMMARY: Pursuant to the authority vested in the Director of the Minerals Management Service by the Joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf Oil and gas lease sales to be held during the bidding period from November 1, 1999, through April 30, 2000. The List of Restricted Joint Bidders published March 26, 1999, in the **Federal Register** at 64 FR 14751 covered the period from May 1, 1999, through October 31, 1999.

Group I. Exxon Corporation; Exxon Assets Management Company

Group II. Shell Oil Co.; Shell Offshore Inc.; Shell Western E&P Inc.; Shell Frontier Oil and Gas Inc.; Shell Consolidated Energy Resources Inc.; Shell Land & Energy Company; Shell Onshore Ventures Inc.; Shell Deepwater Production Inc.; Shell Offshore Properties and Capital, II, Inc.

Group III. Mobil Oil Corporation; Mobil Oil Exploration & Producing Southeast Inc.; Mobil Producing

Texas & New Mexico Inc.; Mobil Exploration & Producing North America Inc.; and Mobil Exploration & Producing U.S. Inc.
Group IV. BP Exploration & Oil Inc.; BP Exploration (Alaska) Inc.; and Amoco Production Company

Dated: October 12, 1999.

Walt Rosenbusch,

Director, Minerals Management Service.

[FR Doc. 99-27059 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF THE INTERIOR

National Park Service

Wastewater Treatment Project (West Side) Environmental Impact Statement, Glacier National Park, Montana

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the Wastewater Treatment Project (West Side), Glacier National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for the Lake McDonald/Park Headquarters Wastewater Treatment System Rehabilitation for Glacier National Park. This statement will be approved by the Intermountain Regional Director.

The existing system collects throughout the Lake McDonald/Headquarters area via a series of gravity sewer lines and sewage lift stations and force mains. The existing wastewater treatment facility is comprised of a single cell aerated lagoon, irrigation pond, control building and spray irrigation system. At the wastewater treatment facility, raw wastewater flows to a 4.8 million gallon aerated lagoon where bacteria reduce the biological oxygen demand (BOD) and suspended solids concentration of the wastewater. The treated wastewater flows to an adjacent .5 million gallon irrigation pond where an irrigation pump takes flow from the pond to a 55 acre spray irrigation field, currently located in the 100 year floodplain of McDonald Creek. This project and EIS has been proposed to analyze alternatives for addressing these issues.

The effort will result in a proposed course of action for park managers to address the issues above. A range of alternatives are being considered to improve the existing wastewater treatment facility incorporating different disposal and treatment approaches. A variety of factors will be considered

including an evaluation of site constraints, State of Montana Department of Environmental Quality current standards, available treatment technology, operation and maintenance concerns, wildlife, water quality and vegetation concerns and sustainable design. Several alternatives will look at upgrading and rehabilitating the existing treatment process while continuing to utilize the existing spray irrigation system as the method of disposal. Others will consider removing the existing system from the floodplain. The use of advanced nitrogen removal treatment by utilizing sequencing batch reactors (SBR) prior to discharge to the groundwater through rapid infiltration basins will be considered. Due to the uncertainty of the suitability of the soils for rapid infiltration basins, another alternative will also be considered which is based on discharge of the effluent to the Middle Fork of the Flathead River and would involve construction of a tertiary treatment plant. A no action alternative will also be considered as required.

Major issues include that due to the location of the spray irrigation field, wastewater cannot be discharged during the winter and spring when the ground surface is frozen, saturated or underwater from stream flooding. As a result, the wastewater treatment facility operates as a holding facility during the winter and spring until ground conditions at the spray field allow disposal without runoff to McDonald Creek. In addition, the system needs to be rehabilitated enabling it to operate as it was originally designed to operate.

An open house has been scheduled for October 26 to be held at the Community Building in West Glacier from 3:00 pm to 7:00 pm.

FOR FURTHER INFORMATION CONTACT: Superintendent, Glacier National Park, 406/888-7901.

Dated: October 8, 1999.

Michelle D. Synder,

Acting Regional Director, Intermountain Region.

[FR Doc. 99-27119 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Missouri National Recreational River (59-mile District) Availability of Final Environmental Impact Statement and General Management Plan.

AGENCY: National Park Service, Interior.

ACTION: Availability of final Environmental Impact Statement and General Management Plan.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) announces the availability of a final environmental impact statement (FEIS) and General Management Plan (GMP) for the Missouri National Recreational River 59-mile district located in portions of Clay, Union, and Yankton counties, South Dakota; and Cedar, Dixon, and Knox counties in Nebraska. The draft environmental impact statement and general management plan for the recreational river was on public review from October 5 to December 18, 1998. The FEIS responds to Public Law 95-625 (1978), which amends the Wild and Scenic Rivers Act by adding a 59-mile reach of the Missouri River below the Gavins Point Dam to the National Wild and Scenic Rivers System. The NPS prepared this FEIS to update a previous management plan written in 1980 by the Heritage Conservation and Recreation Service and only partially implemented. Cooperating agencies included the U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; Nebraska Game and Parks Commission; South Dakota Game, Fish, and Parks Department; South Dakota Region Three Planning; and Nebraska Lewis and Clark Planning District.

The NPS's preferred alternative for the Missouri National Recreational River is identified in the FEIS as Alternative 2. The preferred alternative would provide for maintenance and restoration of biologic values and would seek to minimize the effects of the mainstem dams. It also would provide for management activities that would emphasize the history and culture of the river and its surroundings. In this preferred alternative, as well as alternative 3, the Corps of Engineers (COE) and the NPS would manage the area through a cooperative agreement. The COE would function as the day-to-day manager of the water-related resources, while the NPS would administer the land-related resources. The agencies would work together where their responsibilities overlapped. Two other alternatives were also considered. The no-action alternative (alternative 1) would continue a current cooperative agreement and otherwise provides a baseline for comparison of the other alternatives; and alternative 3, providing increased recreational emphasis on the river. Partnerships with local entities would be sought to provide services in all alternatives.

The boundary in alternatives 2 and 3 is the same. It differs slightly from the existing boundary in alternative 1, chiefly by adding several historic sites. Both boundaries include important examples of the river's outstandingly remarkable resources.

DATES: The 30-day no action period for review of the FEIS ends on November 15, 1999. A record of decision will be issued following the no action period.

FOR FURTHER INFORMATION CONTACT: Paul Hedren, Superintendent, Missouri National Recreational River, P.O. Box 591, O'Neill, Nebraska 68763, or by e-mail to MNRR_Superintendent@nps.gov, or call 402-336-3970.

Dated: October 7, 1999.

David N. Given,

Deputy Regional Director, Midwest Region.

[FR Doc. 99-27118 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Joshua Tree National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Joshua Tree National Park Advisory Commission (Commission) will be held from 9:00 am (PDT) until 3:00 pm on Saturday, November 6, 1999, at the Helen Gray Center, on Whitefeather Drive in the Village of Joshua Tree, California. The Commission will hear presentations about issues related to the Backcountry and Wilderness Management Plan, which serves as an amendment to the General Management Plan for Joshua Tree National Park, a briefing on the park's Mine and Minerals Management Program, and a briefing on the park's Fee Demonstration Program.

The Commission was established by Public Law 103-433, section 107 to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan Joshua Tree National Park.

Members of the Commission include: Mr. Chuck Bell—Planner
Ms. Cyndie Bransford—Recreational Climbing Interest
Ms. Marie Brashear—Mining Interest
Mr. Gary Daigneault—Property Owner/
Business Interest
Hon. Kathy Davis—County of San Bernardino
Mr. John Freter—Property Owner Interest

Mr. Brian Huse—Conservation
Mr. Julian McIntyre—Conservation
Mr. Roger Melanson—Homeowner
Mr. Ramon Mendoza—Native American Interest/Equestrian Interest
Ms. Leslie Mouriquand—Planner
Mr. Richard Russell—All Wheel Drive Vehicle Interest
Ms. Lynne Shmakoff—Property Owner Interest
Hon. Roy Wilson—County of Riverside
Mr. Gilbert Zimmerman—Tourism

Included on the agenda for this public meeting will be:

Discussion of the Backcountry and Wilderness Management Plan

- Summary
- Trail system report
- Climbing management report
- Designation of roads and auto camping report
- Artificial water sources and desert tortoise recovery report
- Group size limits and area closures report

A briefing on the park's Mine and Minerals Management Program

A briefing on the park's Fee Demonstration Program

The meeting is open to the public and will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. For copies, please contact Superintendent, Joshua Tree National Park, 74485 National Park Drive, Twentynine Palms, California 92277 at (760) 367-5502.

Dated: September 28, 1999.

Ernest Quintana,

Superintendent.

[FR Doc. 99-27030 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Dry Lagoon State Park, CA in the Possession of the Anthropological Studies Center, Archeological Collections Facility, Sonoma State University, Rohnert Park, CA; and in the Control of the California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the

completion of an inventory of human remains and an associated funerary object in the possession of the Anthropological Studies Center (ASC), Archeological Collections Facility (ACF), Sonoma State University, Rohnert Park, CA; and in the control of the California Department of Parks and Recreation, Sacramento, CA.

A detailed assessment of the human remains was made by ASC and California Department of Parks and Recreation professional staff in consultation with representatives of the Yurok Tribe of California. These human remains represent additional individuals found in ASC collections following publication of a previous Notice of Inventory Completion for the California Department of Parks and Recreation dated September 24, 1999.

In 1976, human remains representing one individual were collected from site CA-HUM-129 in Stone Lagoon, Dry Lagoon State Park, CA during a salvage excavation conducted for bluff stabilization by Dr. David A. Fredrickson, Sonoma State University. These human remains were accessioned into the collections of the Archaeological Collections Facility at Sonoma State University. No known individual was identified. No associated funerary objects are present.

In 1978, human remains representing one individual were recovered from site CA-HUM-129 in Stone Lagoon, Dry Lagoon State Park, CA during salvage excavations conducted for bluff stabilization by Dr. David A. Fredrickson, Sonoma State University. These human remains were accessioned into the collections of the Archaeological Collections Facility at Sonoma State University. No known individual was identified. No associated funerary objects were present.

Based on material culture and C14 dates, these human remains have been identified as Native American dating to between 1490 and 215 B.P. Geographical, ethnographical, linguistic, and historical evidence indicates that this archeological site is located within the traditional Coast Yurok territory. Based on archeological evidence, continuity of occupation, ethnographic accounts, and consultation with representatives of the Yurok Tribe of California, site CA-HUM-129 has been affiliated with the present-day Yurok Tribe of California.

Based on the above mentioned information, officials of Sonoma State University and the California Department of Parks and Recreation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical

remains of two individuals of Native American ancestry. Officials of Sonoma State University and the California Department of Parks and Recreation have determined also that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Yurok Tribe of California.

This notice has been sent to officials of the Yurok Tribe of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Paulette Hennem, NAGPRA Coordinator, California Department of Parks and Recreation, 1416-9th Street, Room 1431, Sacramento, CA 95814; telephone: (916) 653-7976, before November 17, 1999. Repatriation of the human remains to the Yurok Tribe of California may begin after that date if no additional claimants come forward.

Dated: October 4, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 99-27129 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the San Diego Museum of Man, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the San Diego Museum of Man, San Diego, CA.

A detailed assessment of the human remains was made by San Diego Museum of Man professional staff in consultation with representatives of the Kumeyaay Cultural Repatriation Committee on behalf of the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the

Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation.

In 1952, human remains representing one individual were recovered from an unknown location within San Diego County and donated by Mr. Page, Mr. William and Mrs. Eleanor Tulloch. No known individual was identified. The one associated funerary object is a pottery urn.

In 1971, human remains representing two individuals were recovered from Carrizo Wash, Imperial County, CA during an excavation by San Diego State University. No known individuals were identified. No associated funerary objects are present.

In 1972, human remains representing one individual were recovered from the Borrego Desert area, San Diego County, CA during an excavation conducted by the California State Department of Transportation and donated by Mr. Ron May. No known individual was identified. No associated funerary objects are present.

In 1974, human remains representing one individual were recovered in Jacumba, San Diego County, CA during an excavation by person(s) unknown and donated by Gregory McPartlin. No known individual was identified. No associated funerary objects are present.

During the 1930s, human remains representing one individual were recovered from site C-14, East Blake Sea, eastern Imperial County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individual was identified. The two associated funerary objects consist of a stone knife and a projectile point.

During the 1930s, human remains representing two individuals were recovered from site C-19, East Blake Sea, eastern Imperial County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 122 associated funerary objects include

bone, projectile points, shell beads, sherds, and shell fragments.

During the 1930s, human remains representing one individual were recovered from site C-104, Blake Sea, west-central Imperial County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individual was identified. The 142 associated funerary objects include shell beads and fragments, sherds, lithic flakes, and projectile points.

During the 1930s, human remains representing seven individuals were removed from site C-144, a general area at Mason Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The eight associated funerary objects consist of a glass bead necklace, a pot, projectile points, and arrowshaft straighteners.

During the 1930s, human remains representing 11 individuals were removed from site C-144 Cemetery A, at Mason Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 4,747 associated funerary objects include shell beads, ceramic sherds, cook pots, jars, bowls, a shell disk, bridle ornaments, a spur, a hair net, manos, metates, pipes, pendants, acorns, mortar, obsidian flakes, lithic flakes, and a knife blade.

During the 1930s, human remains representing three individuals were recovered from site C-144 Cemetery C at Mason Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 580 associated funerary objects include canteens, a mano, bowls, jars, arrow straighteners, a flaker, a hammer, awls, an anvil, shells, basket fragments, a red paint stone, marl chunks, glass beads, a scraper, projectile points, shell beads, sherds, unidentified material, and fibers.

In 1963, human remains representing eight individuals were removed from site C-144 (1963-27), Mason Valley, San Diego County, CA during legally authorized excavations conducted by Clark Brott. No known individuals were identified. The 437 associated funerary objects include pottery paddles, a metal knife, mesquite seeds, a pumice stone, bone, seeds, cloth, metal, shell, stone fragments, obsidian fragment, a metate, a clay lump, jars, a dipper, a shell pendant, metal buttons, beads, an awl, pottery rims, jars, and sherds.

During the 1930s, human remains representing ten individuals were recovered from site C-165, Vallecitos, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers. No known individuals were identified. The 173 associated funerary objects include ollas, an olla lid, shell beads, sherds, a canteen, shell, a mano, bowls, glass beads, and a projectile point.

Between 1929-1968, human remains representing one individual were recovered from site C-651, Earthquake Valley, San Diego County, CA by Carl Harkleroad. No known individual was identified. The one associated funerary object is a pottery jar.

During the 1930s, human remains representing two individuals were removed from an unspecified site in the area of "W" sites, San Diego County, CA by Paul Ezell and brought to the San Diego Museum of Man by Dr. Spencer Rogers from San Diego State University. No known individuals were identified. No associated funerary objects are present.

During the 1930s, human remains representing three individuals were removed from site W-205, Cottonwood Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 11 associated funerary objects include projectile points, ollas, a scraper, bowls, and an iron spur.

During the 1930s, human remains representing two individuals were recovered from site W-206, Santa Maria Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 56 associated funerary objects include an urn, projectile point fragments, flaked stone, charcoal, shell fragments, quartz pieces, and animal bone.

During the 1930s, human remains representing one individual were recovered from site W-245, Dulzura, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individual was identified. The two associated funerary objects are shells.

During the 1930s, human remains representing two individuals were recovered from site W-254, West Laguna Mountains, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The 34 associated funerary objects include

mother-of-pearl buttons, projectile points, shells, glass chandelier crystal, projectile points, a metal button, a brass button, and animal teeth.

During the 1930s, human remains representing two individuals were recovered from site W-254, Cemetery A, Laguna Mountain, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The nine associated funerary objects include an olla and bowls.

During the 1930s, human remains representing two individuals were recovered from site W-254, Cemetery B, Laguna Mountain, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individuals were identified. The two associated funerary objects are ceramic urns.

During the 1930s, human remains representing one individual were recovered from site W-277, Horsethief Canyon, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. No known individual was identified. No associated funerary objects are present.

During the 1930s, human remains representing two individuals were recovered from site W-278 located at the headwaters of Hatfield Creek, San Diego County, CA during legally authorized excavations conducted by F.S. Rogers of the San Diego Museum of Man. No known individuals were identified. The 25 associated funerary objects include pots, a pottery anvil, charred seed, point fragments, a fused bead, shell, a quartz drill, sherds, and a ceramic disk.

During 1950-1951, human remains representing one individual were removed from site W-316, Soledad Valley, San Diego County, CA during legally authorized excavations conducted by B.E. McCown of the San Diego Museum of Man. No known individual was identified. The 58 associated funerary objects include a scraper, shells, sherds, and pottery.

In 1971, human remains representing one individual were recovered from site W-448, Un Gallo Flat, San Diego County, CA during legally authorized excavations conducted by Paul Ezell of San Diego State College. No known individual was identified. No associated funerary objects are present.

Based on ceramic material, types of projectile points, and types of shell beads, these human remains have been identified as Native American from the late prehistoric period, c. 750 A.D. to the 19th century. Continuities of

material culture and technologies provide a clear continuum for native cultures in this area from this late precontact period into the time of European contact. Historic documents from the Spanish expeditions document Diegueno and Kumeyaay peoples through this area. Consultation information provided by the Kumeyaay Cultural Repatriation Committee supports the recognition of this area of San Diego County as an ancestral homeland.

Based on the above mentioned information, officials of the San Diego Museum of Man have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 68 individuals of Native American ancestry. Officials of the San Diego Museum of Man have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 6,415 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the San Diego Museum of Man have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation.

This notice has been sent to officials of the Kumeyaay Cultural Repatriation Committee, the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the

Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Ken Hedges, Curator of California Collections, San Diego Museum of Man, 1350 El Prado, San Diego, CA 92101; telephone: (619) 239-2001 before November 17, 1999. Repatriation of the human remains and associated funerary objects to the Kumeyaay Cultural Repatriation Committee on behalf of the Campo Band of Diegueno Mission Indian of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation may begin after

that date if no additional claimants come forward.

Dated: October 4, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 99-27124 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the San Diego Museum of Man, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the San Diego Museum of Man which meet the definition of "unassociated funerary object" under Section 2 of the Act.

The 60 cultural items consist of a plummet stone, pendants, projectile points, sherds, and beads.

During the 1930s, these cultural items were removed from burials at site C-16, East Blake Sea, eastern Imperial County, CA during legally authorized excavations conducted by Malcom Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 311 cultural items consist of an awl, a necklace, a pendant, beads, and sherds.

During the 1930s, these cultural items were removed from burials at site C-19, East Blake Sea, eastern Imperial County, CA during legally authorized excavations conducted by Malcom Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The six cultural items consist of a bead and projectile points.

During the 1930s, these cultural item were removed from burials at site C-92, East Blake Sea, eastern Imperial County, CA during legally authorized excavations conducted by Malcom Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The five cultural items consist of a medicine slab, conus tinklers, a pendant, and a doll's eye.

During the 1930s, these cultural items were removed from burials at site C-144, a general area at Mason Valley, San Diego County, CA during legally

authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 259 cultural items consist of cook pots, jars, bowls, clay billets, pipes, shells, projectile points, an iron knife blade, a brass button, arrow straighteners, digging weights, animal bones, glass beads, shell beads, a basket fragment, shell buttons, and pendants.

During the 1930s, these cultural items were removed from burials at site C-144 Cemetery A at Mason Valley, San Diego County, CA during legally authorized excavations by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 503 cultural items consist of a scoop, a bowl, bones, glass beads, sherds, shell beads, lithic flakes, cook pots, fibers, metal fragments, and pestles.

During the 1930s, these cultural items were recovered from burials at site C-144 Cemetery C at Mason Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 52 cultural items consist of sherds, a glass jar neck, a metal pull, canteens, shell beads, a pestle, ollas, a cup, bowls, a rabbit net fragment, a bone pendant, a sherd disc, jars, a mano, an arrow straightener, anvils, and a brass button.

During the 1930s, these cultural items were recovered from burials at site C-151, McCain Valley, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 101 cultural items consist of basket fragments, lithic flakes, beads, sherds, a brass button, a ceramic disk, shell beads, shell, and projectile points.

During the 1930s, these cultural items were recovered from burials at site C-164, Vallecito Wash, east-central San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 32 cultural items consist of a brass button, a jar, bowls, a canteen, discs, pendants, shell, projectile points, anvils, a rabbit net, a glass bead, an olla, a mano, sherds, and pestles.

During the 1930s, these cultural items were recovered from burials at site C-

165, Vallecitos, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers. The human remains interred with these cultural items were not collected.

The four cultural items are pottery jars.

Between 1929-1968, these cultural items were recovered from burials at site C-651, Earthquake Valley, San Diego County, CA by Carl Harkleroad. The human remains interred with these cultural items were not collected.

The 11 cultural items consist of canteens, a sherd, an arrow straightener, a blade, a cobble tool, lithic flake tool fragments, and an abalone shell.

During the 1930s, these cultural items were recovered from burials at site W-205, Cottonwood Valley, San Diego County, CA by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 43 cultural items consist of a pot, a bowl, arrowshaft straighteners, scrapers, bone fragments, sherds, projectile points, flaked stone, and flaking hammers.

During the 1930s, these cultural items were recovered from burials at site W-206, Santa Maria Valley, San Diego County, CA by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The one associated funerary object is a point fragment.

During the 1930s, this cultural item was recovered from a burial at site W-245, Dulzura, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The ten associated funerary objects consist of a metate, shell pendants, projectile points, a sherd, and a bone pendant.

During the 1930s, these cultural items were recovered from burials at site W-254, Cemetery A, Laguna Mountain, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 104 cultural items consist of urns, projectile points, and sherds.

During the 1930s, these cultural items were recovered from burials at site W-262, Cuyamaca Peak, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The 38 cultural items are stones.

During 1950-1951, these cultural items were recovered from a burial at site W-330, Poway, San Diego County, CA during legally authorized excavations conducted by Clark Evernham of the San Diego Museum of Man. The human remains interred with these cultural items were not collected.

The one cultural item is a cremation urn.

During the 1930s, this cultural item was recovered from a burial at site at Olive Springs, Ramona, San Diego County, CA during legally authorized excavations conducted by Malcolm Rogers of the San Diego Museum of Man. The human remains interred with this cultural item were not collected.

Based on ceramic material, types of projectile points, and types of shell beads, these cultural items have been dated to the late prehistoric period, c. 750 A.D. to the 19th century.

Continuities of material culture and technologies provide a clear continuum for native cultures in this area from this late precontact period into the time of European contact. Historic documents from the Spanish expeditions document Diegueno and Kumeyaay peoples through this area. Consultation information provided by the Kumeyaay Cultural Repatriation Committee supports the recognition of this area of San Diego County as an ancestral homeland.

Based on the above mentioned information, officials of the San Diego Museum of Man have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 1,509 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the San Diego Museum of Man have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita

Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation.

This notice has been sent to officials of the Kumeyaay Cultural Repatriation Committee, the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Ken Hedges, Curator of California Collections, San Diego Museum of Man, 1350 El Prado, San Diego, CA 92101; telephone: (619) 239-2001 before November 17, 1999. Repatriation of these objects to the Kumeyaay Cultural Repatriation Committee on behalf of the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation,

the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, the Sycuan Band of Diegueno Mission Indians of California, and the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation may begin after that date if no additional claimants come forward.

Dated: October 4, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99-27125 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Kiska Island, AK in the Possession of the University of Nebraska State Museum, University of Nebraska-Lincoln, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Kiska Island, AK in the possession of the University of Nebraska State Museum, University of Nebraska-Lincoln, Lincoln, NE.

A detailed assessment of the human remains was made by University of Nebraska-Lincoln professional staff in consultation with representatives of the Tanadgusix (TDX) Corporation.

In 1943, human remains representing one individual were excavated from a village site on Kiska Island, AK by Lt. (J.G.) Paul Fuenning, U.S. Naval Reserve, who donated it to the University of Nebraska-Lincoln State Museum in 1947. No known individual was identified. No associated funerary objects are present.

Accession information describes the Kiska Island site as an "old Aleut village". Based on the geographic location of the site, reported material culture of the site, and the condition of the human remains, this individual has been identified as Native American of the Aleut culture.

Based on the above mentioned information, officials of the University

of Nebraska-Lincoln have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the University of Nebraska-Lincoln have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Tanadgusix (TDX) Corporation, the Aleut Corporation, and the Pribilof Islands Aleut Communities of St. Paul and St. George Islands.

This notice has been sent to officials of the Tanadgusix (TDX) Corporation, the Aleut Corporation, and the Pribilof Islands Aleut Communities of St. Paul and St. George Islands. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Priscilla Grew, NAGPRA Coordinator, 301 Bessey Hall, University of Nebraska-Lincoln, Lincoln, NE 68588-0433; telephone: (402) 472-7854, before November 17, 1999. Repatriation of the human remains to the Tanadgusix (TDX) Corporation, the Aleut Corporation, and the Pribilof Islands Aleut Communities of St. Paul and St. George Islands may begin after that date if no additional claimants come forward.

Dated: September 23, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99-27121 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from the Prince William Sound Region, AK, in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects

from the Prince William Sound Region, AK in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA.

A detailed assessment of the human remains was made by University of Pennsylvania Museum professional staff in consultation with representatives of Chugach Alaska Corporation.

In 1930, human remains representing one individual were recovered from site 10, a large cave on the north shore of Boswell Bay, Hinchinbrook Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individual was identified. No associated funerary objects are present.

In 1930, human remains representing two individuals were recovered from site 20, Mummy Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individuals were identified. The two associated funerary objects are glass beads.

In 1930, human remains representing one individual were recovered from a midden at site 16, Tauxtvik, Hawkins Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individual was identified. No associated funerary objects are present.

Based on material culture, the sites listed above have been identified as historic period occupations (post-1780 AD).

In 1930, human remains representing a minimum of seven individuals were recovered from site 14, the East Point, Palugvik Village, Hawkins Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individuals were identified. No associated funerary objects are present.

Based on material culture, the East Point site has been determined to date to the Prehistoric Phases, Palugvik 1 and 2 (c. 200-750 AD). Palugvik is known to have been the principal village of one of eight traditional tribes of the Chugach, the Shallow Water People. Oral tradition and material culture of this site suggest that the Palugvik site is ancestral to present-day Native Chugach villages.

In 1933, human remains representing one individual were recovered from a grave in Palu:tat Cave, site 44, on an island in Long Bay near the Columbia Glacier, AK during excavations

conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individual was identified. No associated funerary objects are present.

Based on material culture, site 44 has been determined to date to the Prehistoric Phases, Palugvik 3 and 4 (c. 750-1500 AD). Palu:tat Cave is known to have been an important burial cave within the territory of one of eight traditional tribes of the Chugach, the Kiniklik. Oral tradition and material culture suggest that Palu:tat Cave is ancestral to present-day Native Chugach people.

In 1930, human remains representing one individual were recovered from a shell midden at site 2, Paingwashaq, at the entrance to Constantine Harbor, Hinchinbrook Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individual was identified. No associated funerary objects are present.

Based on material culture, this midden at site 2 has been dated to the Prehistoric Phases, Palugvik 3 and 4 (c. 750-1500 AD). The western end of Hinchinbrook Island, where Paingwashaq is located, is known to have been the territory of one of the eight traditional tribes of the Chugach, the Nuchek. Oral tradition and material culture suggest that Paingwashaq is ancestral to present-day Native Chugach people.

In 1930 or 1933, human remains representing one individual were recovered from an unknown site in the Prince William Sound Region, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. No known individual was identified. No associated funerary objects are present.

Based on original accession information, all the above individuals have been identified as Native American. Geographical locations, continuities of material culture, and historical evidence provided in consultation with the Chugach Alaska Corporation indicates cultural affiliation between these human remains and present-day Chugach peoples.

Based on the above mentioned information, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 14 individuals of Native American ancestry. Officials of the University of Pennsylvania Museum have also determined that, pursuant to

43 CFR 10.2 (d)(2), the two objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Chugach Alaska Corporation.

This notice has been sent to officials of the Chugach Alaska Corporation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Jeremy Sabloff, the Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104-6324; telephone: (215) 898-4051, fax (215) 898-0657, before November 17, 1999. Repatriation of the human remains and associated funerary objects to the Chugach Alaska Corporation may begin after that date if no additional claimants come forward.

Dated: October 1, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 99-27122 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items from the Prince William Sound Region, AK in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items from the Prince William Sound Region, AK in the possession of the University Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA which meet the definition of "unassociated funerary object" under Section 2 of the Act.

The five cultural items are glass beads, a slate blade, one slate awl, a boulder chip, and one whetstone.

In 1933, these cultural items were recovered from a large burial cave at site 16, Tauxtvik, Hawkins Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna.

The one cultural item consists of two strands of blue beads.

In 1933, this cultural item was recovered with a burial from a rock shelter, site 43, Glacier Island, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna. The human remains recovered with this cultural item have previously been repatriated from the Danish National Museum.

Based on material culture, the sites listed above have been identified as historic period occupations (post-1780 AD).

The one cultural item is a dugout canoe.

In 1933, this cultural item was recovered at site 44 on an island in Long Bay near the Columbia Glacier, AK during excavations conducted under the auspices of the University of Pennsylvania Museum by Dr. Frederica de Laguna.

Based on material culture, site 44 has been determined to date to the Prehistoric Phases, Palugvik 3 and 4 (c. 750-1500 AD). Palu:tat Cave is known to have been an important burial cave within the territory of one of eight traditional tribes of the Chugach, the Kiniklik. Oral tradition and material culture suggest that Palu:tat Cave is ancestral to present-day Native Chugach people.

Based on the above mentioned information, officials of the University of Pennsylvania Museum have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these seven cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the University of Pennsylvania Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Chugach Alaska Corporation.

This notice has been sent to officials of the Chugach Alaska Corporation. Representatives of any other Indian tribe that believes itself to be culturally

affiliated with these objects should contact Dr. Jeremy Sabloff, the Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104-6324; telephone: (215) 898-4051, fax (215) 898-0657, before November 17, 1999. Repatriation of these objects to the Chugach Alaska Corporation may begin after that date if no additional claimants come forward.

Dated: October 1, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99-27128 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains in the Possession of Willamette University, Salem, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of Willamette University, Salem, OR.

A detailed assessment of the human remains was made by Willamette University professional staff in consultation with representatives of the Klamath Indian Tribe.

In 1998, human remains representing one individual were found in Willamette University's archeological collections. The human remains are most likely those of Scarface Charlie, a Modoc man. No associated funerary objects are present.

The human remains are a lock of hair tied to a "ladies' calling card" imprinted with "Miss Maria (?) Parrish". Handwritten on the card is "Scarface Charlie, Modoc (? illegible) June 24, 1875" Miss Parrish may have been a relative of Rev. Josiah Parrish, a member of the Jason Lee missionary party, founders of Willamette University (c. 1840). However, Parrish is also a Modoc family name. There are no records or information as to how or when this material came to be in the university's possession, however, it is most likely that this lock of hair is that of Scarface Charlie. Scarface Charlie (c.

1837-1896) was the chief advisor, interpreter, and battlefield tactician of Modoc leader Captain Jack and fought during the Modoc War of 1872-1873.

Modoc descendants and descendants of Scarface Charlie presently reside on the Klamath Reservation. Scarface Charlie's family has been contacted by representatives of the Klamath Indian Tribe and the family has authorized Rayson Tupper to take possession of this lock of hair. Mr. Tupper is the great-great-great grandson of Scarface Charlie.

Based on the above mentioned information, officials of Willamette University have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of Willamette University have also determined that, pursuant to 43 CFR 10.2 (b)(1), Mr. Rayson Tupper can trace his ancestry directly and without interruption by means of the traditional kinship system of the Modoc people to the remains of Scarface Charlie.

This notice has been sent to officials of the Klamath Indian Tribe and the Modoc Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact John Olbrantz, Director, Hallie Ford Museum of Art, Willamette University, 900 State St., Salem, OR 97301-3931; telephone: (503) 370-6855, before November 17, 1999. Repatriation of the human remains to Mr. Rayson Tupper may begin after that date if no additional claimants come forward.

Dated: October 1, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99-27123 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of Willamette University, Salem, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human

remains and associated funerary objects in the possession of Willamette University, Salem, OR.

A detailed assessment of the human remains was made by Willamette University professional staff in consultation with representatives of the Confederated Tribes of the Grand Ronde Community, the Confederated Tribes of the Siletz Reservation, the Klamath Indian Tribe, the Confederated Tribes of the Warm Springs Reservation, and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation.

During 1930-1970, human remains representing a minimum of three individuals were recovered from poorly-identified burial mounds in the mid-Willamette Valley, OR near the cities of Mt. Angel, Shedd, Halsey, and Harrisburg during excavations conducted by Willamette University students, either independently or under the direction of a professor. No known individuals were identified. The one associated funerary object is a necklace fragment of unstrung dentalia shells.

Based on skeletal morphology, these human remains have been identified as Native American. Based on ethnographic sources, the Willamette Valley is recognized as the traditional territory of the Kalapooyan tribes. University of Maryland Anthropology Professor Emeritus Dr. William Laughlin (one of the student excavators during the 1930s) confirmed the regions excavations and the Kalapooyan affiliation of those sites and human remains. Kalapooyan descendants presently reside among the Confederated Tribes of the Grand Ronde Community.

Based on the above mentioned information, officials of Willamette University have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of three individuals of Native American ancestry. Officials of Willamette University have also determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of Willamette University have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Confederated Tribes of the Grand Ronde Community.

This notice has been sent to officials of the Confederated Tribes of the Grand Ronde Community, the Confederated Tribes of the Siletz Reservation, the Klamath Indian Tribe, the Confederated Tribes of the Warm Springs Reservation, and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact John Olbrantz, Director, Hallie Ford Museum of Art, 900 State St., Salem, OR 97301-3931; telephone: (503) 370-6855, before November 17, 1999. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Grand Ronde Community may begin after that date if no additional claimants come forward.

Dated: October 1, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 99-27126 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items from the Willamette Valley, OR in the Possession of Willamette University, Salem, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of Willamette University which meet the definition of "unassociated funerary object" under Section 2 of the Act.

The 405 cultural items include bagged specimens of rock, charcoal, and soil, flaked and groundstone tools, carved stone bowl fragments and figurines, animal teeth and bone fragments (probably bovid), and an antler.

During 1930-1970, these cultural items were recovered from Kalapooyan burial mounds (Weather, Miller, (Miller's Farm), and Wendling) in the Willamette Valley near the Oregon towns of Harrisburg, Halsey, and Shedd during excavations conducted by Willamette University students, operating either independently or with a professor. The cultural items have

been identified from the handwritten labels noting these locations.

Based on historic documents and ethnographic evidence, the Willamette Valley is recognized as the traditional territory of the Kalapooyan tribes. Based on ethnographic sources and archeological reports, the Weather, Miller, and Wendling sites in the Willamette Valley have been identified as Kalapooyan burial mounds. Present-day Kalapooyan people are represented by the Confederated Tribes of the Grand Ronde Community of Oregon.

Based on the above mentioned information, officials of Willamette University have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 405 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of Willamette University have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Confederated Tribes of the Grand Ronde Community of Oregon.

This notice has been sent to officials of the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Siletz Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, and the Klamath Indian Tribe of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact John Olbrantz, Director, Hallie Ford Museum of Art, Willamette University, 900 State St., Salem, OR 97301-3931; telephone: (503) 370-6855 before November 17, 1999. Repatriation of these objects to the Confederated Tribes of the Grand Ronde Community of Oregon may begin after that date if no additional claimants come forward.

The National Park Service is not responsible for the determinations within this notice.

Dated: October 1, 1999.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 99-27127 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Availability of Plan of Operations and Environmental Assessment; Continuing Operation of Four Gas Wells, Saltwater Disposal Well and Production Facility; Vector Energy Corporation Padre Island National Seashore, Kleberg County, TX

Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Vector Energy Corporation a Plan of Operations for the continuing operation of four gas wells, a saltwater disposal well, and production facility located within Padre Island National Seashore, in Kleberg County, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 20301 Park Road 22, Corpus Christi, Texas. Copies are available from the Superintendent, Padre Island National Seashore, Post Office Box 181300, Corpus Christi, Texas 78480-1300, and will be sent upon request.

If you wish to comment, you may submit your comments by mailing them to the post office address provided above, or, you may hand-deliver comments to the park at the street address provided above. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the decisionmaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the decisionmaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous 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 inspection in their entirety.

Dated: October 8, 1999.

Jock F. Whitworth,

Superintendent, Padre Island National Seashore.

[FR Doc. 99-27120 Filed 10-15-99; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 1, 1999, Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Dimethyltryptamine (7435)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylcegonine (9180)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to produce isotope labeled standards for drug analysis.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27098 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 12, 1999, Cedarburg Laboratories, Inc., 870 Bandger Circle, Grafton, Wisconsin 53024, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of propiram (9649), a basic class of controlled substance listed in Schedule I.

The firm plans will manufacture propiram in the process of manufacturing other targeted test compounds for another firm.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27099 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated July 6, 1999, and published in the **Federal Register** on August 2, 1999, (64 FR 41969), Chiragene, Inc., 7 Powder Horn Drive, Warren, New Jersey 07059, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone to manufacture amphetamine.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code,

Section 823(a) and determined that the registration of Chiragene, Inc. to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Chiragene, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 99-27097 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 21, 1999, Chirex Technology Center, Inc., DBA Chirex Cauldron, 383 Phoenixville Pike, Malvern, Pennsylvania 19355, made application to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone for the manufacture of amphetamine.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than November 17, 1999.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27100 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is, notice that on June 21, 1999, Chirex Technology Center, Inc., DBA Chirex Cauldron, 383 Phoenixville Pike, Malvern, Pennsylvania 19355, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Amphetamine (1100), a basic class of controlled substance listed Schedule II.

The firm plans to bulk manufacture amphetamine salts for product development.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27101 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on August 25, 1999, Glaxo Wellcome Inc., Attn: Jeffrey A. Weiss, 1011 North Arendell Avenue, P.O. Box 1271, Zebulon, North Carolina 27597-2309, made application by renewal to the Drug Enforcement Administration to be registered as an importer of remifentanyl (9739), a basic class of controlled substance listed in Schedule II.

The remifentanyl is being imported for the production of Ultiva dosage forms and for research and new product development.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the

application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than November 17, 1999.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27102 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 22, 1999, Lifepoint, Inc., 10410 Trademark Street, Rancho Cucamonga, California 91730, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Benzoylcegonine (9180)	II
Morphine (9300)	II

The firm plans to use gram quantities of the listed controlled substances to manufacture drug abuse test kits.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than November 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27103 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 19, 1999, Nycomed, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Meperidine (9230)	II

The firm plans to manufacture meperidine as bulk product for distribution to its customers and to manufacture methylphenidate for qualification and distribution to a customer.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27104 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33 (a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 3, 1999, Pharmacia & Upjohn Company, 7000 Portage Road, 2000-41-109, Kalamazoo, Michigan 49001, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of 2,5-Dimethoxyamphetamine (7396), a basic class of controlled substance listed in Schedule I.

The firm plans to manufacture the controlled substance for distribution as bulk product to a customer.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 17, 1999.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99-27105 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 3, 1999, and published in the **Federal Register** on April 1, 1999, (64 FR 15810), Roxane Laboratories, Inc., 1809 Wilson Road, P.O. Box 16532, Columbus, Ohio 43216-6532, made application by renewal to the Drug Enforcement Administration to be registered as an

importer of cocaine (9041), a basic class of controlled substance listed in Schedule II.

The firm plans to import cocaine to manufacture topical solutions for distribution to customers.

A registered bulk manufacturer of cocaine filed written comments and an objection in response to the Notice of Application. The objector argues that it would not be in the public interest to register Roxane because it would violate United States policy against the use of seized material and that competition is adequate. Both of these issues have already been considered and addressed in Roxane's Notice of Registration published in the **Federal Register** on October 19, 1998 (63 FR 5589).

DEA has considered the factors in Title 21, United States Code, Section 823(a) and 952(a) and determined that the registration of Roxane Laboratories, Inc. to import cocaine is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Roxane Laboratories, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a)

of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: October 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 99-27096 Filed 10-15-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 14, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills (202-219-5096 ext. 143) or E-Mail to Mills-IRA@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM,

ESA, ETa, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Title: Labor Organization and Auxiliary Reports.

OMB Number: 1215-0188.

Affected Public: Not-for-Profit Institutions; Individuals or Households; Business and other for-profit.

Frequency: Semiannually, Annually.

Form	Responses	Hours per respondent	Reporting burden hours	Minutes per respondent	Recordkeeping hours	Total
LM-1	358	0.83	297	5	30	327
LM-2	6,005	14.75	88,574	30	3,003	91,577
LM-3	14,234	6.50	92,521	15	3,559	96,080
LM-4	9,285	0.83	7,707	2	310	8,017
LM-10	211	0.50	106	5	18	124
LM-15	389	1.50	584	20	128	712
LM-15A	81	0.33	27	2	3	30
LM-16	82	0.33	27	1	2	29
LM-20	254	0.33	84	2	8	92
LM-21	64	0.50	32	5	5	37
LM-30	64	0.50	32	5	5	37
S-1	89	0.50	45	5	7	52
SARF*	2,536	0.17	431	2	85	516
Total	33,652	190,467	7,163	197,630

* Simplified Annual Report Format.

Total Annualized capital/startup costs:

Total annual costs (operating/maintaining systems or purchasing services):

Description: The Labor-Management Reporting and Disclosure Act (LMRDA)

requires unions to file annual financial reports, and copies of their constitution and bylaws with DOL. Under certain circumstances, reports are required of union officers and employees, employers, labor relations consultants, and surety companies. All reports are

available for public disclosure. Filers are required to retain supporting records

for 5 years; unions are required to retain election records for 1 year.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99-27080 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

October 12, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 34). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ((202) 219-5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Title: Independent Contractor Register.

OMB Number: 1219-0040.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 14,235.

Estimated Time Per Respondent: 0.1333 hours (8 minutes).

Total Burden Hours: 12,334.

Total Annualized capital/startup costs: \$0.

Total annual costs (operating/maintaining systems or purchasing services): \$0.

Description: Requires the mine operator to maintain a register of independent contractors working at the mine. The information is used by MSHA during inspections to determine proper responsibility for compliance with safety and health standards.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99-27081 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-43-M

of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 28, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 28, 1999.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 27th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a)

APPENDIX

[Petitions Instituted On 09/27/99]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,860	Dos Cuervos Enterprises (Wrks)	Gulfport, MS	08/14/99	Pipeline Weld Examination.
36,861	Wagner Ware Corp (Wrks)	Sidney, OH	09/09/99	Cast Iron and Aluminum Cookware.
36,862	Aalfs Manufacturing, Inc (Wrks)	Spencer, IA	09/15/99	Denim Jeans.
36,863	Quaker Rubber Co (Comp)	Philadelphia, PA	09/15/99	Escalator Handrails.
36,864	Blano Sportswear, Inc (Comp)	Blano, VA	09/03/99	Ladies', Men's & Children's Sportswear.
36,865	Modern Engineering Co (Wrks)	Gallman, MS	09/13/99	Welding Equipment.
36,866	Jones and Vining, Inc (UFCW)	Troy, MO	09/09/99	Shoe Last.
36,867	Eagle Ottawa-Milwaukee (GMP)	Milwaukee, WI	07/01/99	Finished Leather.
36,868	Abitibi Consolidated (AWPP)	Steilacoom, WA	09/14/99	Paper Products from Wood Pulp.
36,869	Grand Rapids Die Cast (Wrks)	Grand Rapids, MI	09/13/99	Plated Die Cast Plumbing Tub Spouts.
36,870	Fun-Tees, Inc. (Comp)	Florence, SC	09/10/99	T-Shirts.
36,871	Grant City Manufacturing (Comp)	Grant City, MO	09/10/99	Baseball Caps.

APPENDIX—Continued

[Petitions Instituted On 09/27/99]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,872	Isaac Hazan and Co (UNITE)	Brooklyn, NY	08/30/99	Sportswear—Skirts.
36,873	Hunting Oilfield Services (Wrks)	Spring, TX	09/07/99	Steel Couplings.
36,874	Fashions Apparel Corp (Wrks)	El Paso, TX	09/10/99	Jeans.
36,875	Dura Convertible Systems (Comp)	Adrian, MI	09/08/99	Automobile Convertible Tops.
36,876	Fred P. Saunders Co (Comp)	Bridgeton, ME	09/10/99	Manicure/Cuticle Sticks.
36,877	Kreations, Inc (Wrks)	Hallandale, FL	09/09/99	Ladies' Clothing.
36,878	Kanthal Global (Comp)	Niagara Falls, NY	09/14/99	Ceramic Resistors.
36,879	Boerboom International (Wrks)	Walnut Grove, MN	09/17/99	Farm Machinery.
36,880	Compass Group/Eurest (Comp)	Duncan, OK	09/14/99	Food Service.
36,881	Canteen Corp (Wrks)	Fayetteville, NC	09/13/99	Vending Service.
36,882	Robinson Knife Co (Wrks)	Buffalo, NY	09/13/99	Kitchen Gadgets and Tools.
36,883	VF Knitwear/Bassett (Comp)	Brookneal, VA	09/13/99	T-Shirts and Fleece.
36,884	Pitman Drilling, Inc (Comp)	Williston, ND	09/02/99	Oil Drilling.

[FR Doc. 99-27088 Filed 10-15-99; 8:45 am]
BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 28, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 28, 1999.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 20th day of September, 1999.

Grant D. Beale,
Program Manager, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 09/20/1999]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,827	Johnson and Johnson (Wrks)	Wilder, KY	08/31/1999	Surgical Implants/Devices.
36,828	International Paper (Wrks)	Moss Point, MS	08/39/1999	Coated One-Sided (cis) Label Paper.
36,829	Milco Industries, Inc (TGWA)	Bloomsburg, PA	08/29/1999	Robes and Night Gowns.
36,830	S and B Engineers (Wrks)	Houston, TX	09/03/1999	Polystyrene.
36,831	Williamson Dickies Mfg (Wrks)	Eagle Pass, TX	09/7/1999	Sportswear.
36,832	Amco Convertible Fabrics (Comp)	Adrian, MI	09/03/1999	Convertible Tops.
36,833	Donohue Industries, Inc (PACE)	Lufkin, TX	08/27/1999	Newsprint and Specialty Papers.
36,834	Takata Restrant Systems (Comp)	Greenwood, MS	08/25/1999	Automobile Airbags.
36,835	Fleetwood Shirt Corp (UNITE)	Fleetwood, PA	09/01/1999	Men's Dress and Sport Shirts.
36,836	Trilon Geophysics (Wrks)	Denver, CO	09/01/1999	Seismic Data Analysis.
36,837	Ricks Exploration (Wrks)	Oklahoma City, OK	09/01/1999	Oil and Gas Production and Exploration.
36,838	BP Amoco Oil Co (PACE)	Whiting, IN	09/07/1999	Oil Refining Products.
36,839	Oremet-Wah Chang (Wrks)	Albany, OR	09/10/1999	Metals and Alloys.
36,840	Meisel-Peskin Co., Inc (Comp)	Brooklyn, NY	08/31/1999	Dressing Fur Pelts.
36,841	Sony Magnetic Products (Comp)	Dothan, AL	09/02/1999	Video, Audio and Data Recording Media.
36,842	Converse, Inc (Comp)	Lumberton, NC	09/07/1999	Athletic Shoes.
36,843	Comptec, Inc (Comp)	Custer, WA	09/03/1999	Plastic Injection Moulds.
36,844	Valley Recreation Prod. (Comp)	Sycamore, IL	09/03/1999	Electronic Dart Games.
36,845	Kinetic Concepts, Inc (Wrks)	San Antonio, TX	08/30/1999	Hightech Products.
36,846	Louisiana Pacific Corp (Comp)	Ketchikan, AK	08/24/1999	Railroad Lumber Ties.
36,847	Iron Horse Productions (Comp)	Port Huron, MI	08/18/1999	Wheelchairs.
36,848	Globe Business Furniture (Comp)	Gardonsville, TN	09/08/1999	Chairs and Panels for Offices.
36,849	Angelo Brothers Co (Comp)	Philadelphia, PA	09/08/1999	Packaged Decorative Electrical Products.
36,850	Ross Mould, Inc (AFGWU)	Washington, PA	09/02/1999	Moulds for Glass Containers.

APPENDIX—Continued
[Petitions instituted on 09/20/1999]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,851	Temco Fireplace Products (Wrks)	Perris, CA	09/09/1999	Chimneys.
36,852	Altec Int'l/Chart Ind. (IAMAW)	LaCrosse, WI	09/07/1999	Heat Exchangers.
36,853	North American Refractory (USWA)	Curwensville, PA	09/07/1999	Refractories.
36,854	China Grove Textiles, Inc (Comp)	Gastonia, NC	09/09/1999	Cotton Yarn.
36,855	Doyon Universal Service (Wrks)	Anchorage, AK	08/24/1999	Cooking Housekeeping.
36,856	Citco Petroleum Corp (Wrks)	Lake Charles, LA	08/24/1999	Gasoline, Motor Oil & Chemicals.
36,857	Cooper Cameron (Wrks)	Ville Platte, LA	09/02/1999	Oilfield Equipment.
36,858	General Assembly Corp (Wrks)	El Paso, TX	09/10/1999	Cut Wire for Wire Harnessess.
36,859	Rio Grand Cutters (Comp)	El Paso, TX	08/25/1999	Cut Denim for Apparel.

[FR Doc. 99-27089 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-34,924 and TA-W-34,924A]

Native Textiles Carisbrook Company, Glens Falls, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 1, 1998, applicable to workers of Native Textiles, Carisbrook Company, located in Glens Falls, New York. The notice was published in the **Federal Register** on October 23, 1998 (63 FR 56943).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New information received by the company shows that worker separations occurred at the subject firms' headquarters office and showroom located in New York, New York. The New York, New York workers provide administrative and other support service functions for the Glens Falls, New York location. The workers are engaged in the production of lace and tricot for activewear, sportswear and intimate apparel.

The intent of the Department's certification is to include all workers of Native Textiles who were adversely affected by increased imports. Accordingly, the Department is amending the certification to cover the workers of Native Textiles, New York, New York.

The amended notice applicable to TA-W-34,924 is hereby issued as follows:

All workers of Native Textiles, Carisbrook Company, Glens Falls, New York (TA-W-34,924), and New York, New York (TA-W-924A) who become totally or partially separated from employment on or after August 21, 1997 through October 1, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of October, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-27086 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,766]

R&B Falcon Drilling, U.S.A., Inc. a/k/a Falcon Service Co., Inc. of Delaware a/k/a R&B Falcon Management Services, Inc., Inland Barge Shallowwater Division, Houma; LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 18, 1999, applicable to workers of R&B Falcon Drilling, U.S.A., Inc., Inland Barge Shallowwater Div., Houma, Louisiana. The notice was published in the **Federal Register** on June 30, 1999 (64 FR 35184).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Findings show that some workers separated from employment at R&B Falcon Drilling had their wages reported under two separate unemployment insurance (UI) tax accounts for Falcon Service Co., Inc. of Delaware and R&B Falcon Management Services, Inc., Houma, Louisiana. The

workers are engaged in the production of crude oil and natural gas.

The intent of the Department's certification is to include all workers of R&B Falcon Drilling, U.S.A., Inc., Inland Barge Shallowwater Division who were adversely affected by increased imports. Accordingly, the Department is amending the certification to reflect this matter.

The amended notice applicable to TA-W-35,766 is hereby issued as follows:

All workers of the Inland Barge Shallowwater Division of R&B Falcon Drilling, U.S.A., Inc., also known as Falcon Service Co., Inc. of Delaware and also known as R&B Falcon Management Services, Inc., Houma, Louisiana (TA-W-35,766) who became totally or partially separated from employment on or after February 19, 1998 through May 18, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of October 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-27087 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-36, 567]

Rust Tractor Company, Silver City, New Mexico; Notice of Negative Determination Regarding Application for Reconsideration

By application dated August 25, 1999, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed August 4, 1999, and published in the **Federal**

Register on September 29, 1999 (64 FR 52539).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioner acknowledges that the workers of Rust Tractor do not produce an article but asserts that the company is the only "Caterpillar Licensed" dealer in New Mexico and El Paso, and as such, considers the workers to be a subsidiary of Caterpillar, Inc. The petitioner states that the Rust Tractor layoffs were attributable to the loss of revenue resulting from competition from Komatsu haul trucks made in Japan.

The TAA petition, filed on behalf of workers of Rust Tractor Company, Silver City, New Mexico, engaged in employment related to selling and servicing of heavy equipment was denied because the workers provided a service and did not produce an article as required in Section 222(3) of the Trade Act of 1974, as amended. The Department does stand corrected that the workers of Rust Tractor Company, Silver City, New Mexico provided their services to the copper industry, not the petroleum industry as reported in the Department's August 4, 1999 determination. The findings of the investigation revealed that there was no corporate affiliation with Caterpillar or any other firm.

Only in very limited instances are service workers certified for TAA, namely the worker separation must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under a certification for TAA. There is no existing TAA certification for workers of Rust Tractor Company.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 4th day of October 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-27082 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,284S and TAS-W-35,284 T]

Shell Deepwater Development Systems, Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 21, 1999, applicable to workers of Shell Deepwater Development Systems, Inc., headquartered in New Orleans, Louisiana and operating off the shore of Louisiana in the Gulf of Mexico. The notice was published in the **Federal Register** on February 25, 1999 (64 FR 9354).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the exploration and production of crude oil and natural gas. The company reports that Shell Deepwater Development Systems, Inc. "became also known as Shell International Exploration and Production, Inc." in July, 1999.

Accordingly, the Department is amended the certification determination to correctly identify the new title name to read "Shell Deepwater Development Systems, Inc., also known as Shell International Exploration and Production, Inc." headquartered in New Orleans, Louisiana and operating off the shore of Louisiana in the Gulf of Mexico.

The intent of the Department's certification is to include all workers of Shell Deepwater Development Systems, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA-W-35,284S and TA-W-35,284T is hereby issued as follows:

All workers of Shell Deepwater Development Systems, Inc., also known as Shell International Exploration and Production, Inc., headquartered in New Orleans, Louisiana (TA-W-35,284S) and operating off the shore of Louisiana in the Gulf of Mexico (TA-W-35,284T) who became totally or partially separated from

employment on or after November 16, 1997 through January 21, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 4th day of October, 1999.

Grant D. Beale,

Program Director, Office of Trade Adjustment Assistance.

[FR Doc. 99-27085 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,468]

Wilson Sporting Goods Company, Sparta, TN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Wilson Sporting Goods Company, Sparta, Tennessee. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-35,468; *Wilson Sporting Goods Company, Sparta, Tennessee* (September 30, 1999)

Signed at Washington, DC this 4th day of October, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-27084 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-36-297, 297A and 297B]

Woolrich, Incorporated; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 21, 1999, applicable to workers of Woolrich, Incorporated, Soperton Facility, Soperton, Georgia. The notice was published in the **Federal Register** on July 20, 1999 (FR 64 38921).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations have occurred at the subject firms' Jersey Shore and Woolrich, Pennsylvania locations. Workers at these facilities are engaged in cutting and production of fabrics used in the production of ladies; and men's shirts/blouses at Woolrich, Incorporated. The Woolrich, Pennsylvania location is also the Headquarters and administrative office for the subject firm. The workers provide administration and support function services to Woolrich's manufacturing facilities.

The intent of the Department's certification is to include all workers of Woolrich, Incorporated adversely affected by increased imports.

The amended notice applicable to TA-W-36,297 is hereby issued as follows:

"All workers of Woolrich, Incorporated, Soperton facility, Soperton, Georgia (TA-W-36,297), Jersey Shore, Pennsylvania (TA-W-36,297A), and headquarters and production facility, Woolrich, Pennsylvania (TA-W-36,297B) who became totally or partially separated from employment on or after May 21, 1998 through June 21, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington DC this 30th day of September, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-27083 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

AGENCY: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be

properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collections of Final Regulations, 29 CFR Part 9, Executive Order 12933 of October 20, 1994; Nondisplacement of Qualified Workers under Certain Contracts. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 17, 1999.

ADDRESSEES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW, Room S-3201, Washington, DC 20210, telephone (202) 693-0339 (this is not a toll-free number), fax (202) 693-1451.

SUPPLEMENTARY INFORMATION:

I. Background

On October 20, 1994, the President signed Executive Order 12933, Nondisplacement of Qualified Workers Under Certain Contracts. The Executive Order requires that workers on a service contract for maintenance of a public building be given the right of first refusal for employment in positions for which they were qualified with the successor contractor, if those employees would otherwise lose their jobs as a result of the termination of the predecessor contractor's contract.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to carry out its obligation to determine compliance with the Executive Order and its regulations.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: 29 CFR Part 9—Executive Order 12933 of October 20, 1994; Nondisplacement of Qualified Workers Under Certain Contracts.

OMB Number: 1215-0190.

Affected Public: Businesses or other for-profit; Individuals or households; Federal Government.

Total Respondents: 88.

Frequency: On occasion.

Total Responses: 88.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 22.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 12, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management Administration and Planning, Employment Standards Administration.

[FR Doc. 99-27079 Filed 10-15-99; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-132]

NASA Advisory Council, Advisory Committee on the International Space Station (ACISS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Advisory Committee on the International Space Station.

DATES: Tuesday, October 26, 1999, from 11:00 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW, Room MIC 7, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey Edgington, Code ML, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-4519.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to seating capacity of the room. The agenda for the meeting is as follows:

—Review of the Office of Space Flight programs and performance metrics.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 12, 1999.

Matthew Crouch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 99-27031 Filed 10-15-99; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-133]

NASA Advisory Council (NAC), Earth Systems Science and Applications Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: November 18, 1999, 9:00 a.m. to 5:30 p.m.; and November 19, 1999, 8:30 a.m. to 4:00 p.m.

ADDRESSES: NASA Headquarters, Room MIC6, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Intro, Comments, Adoption of the Agenda
- Assessment of the State-of-the-Enterprise
- Status Reports re ESSAAC Subcommittees and ad hoc Panels
 1. Technology
 2. Data & Information Systems
 3. SOMO

- International Space Station Utilization
- Review of NAC Issues
- Overview of the ESE Science Implementation Plan/Post 2002 Missions
- Sect 1—Biology and Biogeochemistry of Ecosystems and the Carbon Cycle
- Sect 2—Global Water and Energy Cycle
- Sect 3—Climate Variability and Prediction

Nov 19+

- Sect 4—Atmospheric Chemistry
- Sect 5—Solid Earth Science
- ESE Self-Assessment—GPR
- ESSAAC Discussions and Report Drafting

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 12, 1999.

Matthew M. Crouch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 99-27032 Filed 10-15-99; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-134]

NASA Advisory Council (NAC), Task Force on International Space Station Operational Readiness; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

Federal Register Citation of Previous Announcement: 64 FR 53420, Notice Number 99-122, October 1, 1999.

Previously Announced Date of Meeting: October 20, 1999, 12:00 p.m. to 1:00 p.m. Eastern Standard Time.

Meeting has been cancelled and will be rescheduled for a later date.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Cleary, Code IH, National Aeronautics and Space Administration, Washington, DC 20546-0001, 202/358-4461.

Dated: October 12, 1999.

Matthew M. Crouch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 99-27033 Filed 10-15-99; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 138th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on November 5, 1999 from 9 a.m. to 4 p.m. in Room M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

The meeting will be open to the public on a space available basis. Following opening remarks and announcements, there will be a Congressional update and updates on the FY 2000 and FY 2001 budgets. Other topics for discussion tentatively include: issues and developments in individual disciplines; a Report and discussion of the National Association of Artists Organization's (NAAO) project on issues related to young and emerging artists; a discussion of "The Arts & Public Policy;" Application Review; Grants to Organizations 2001 and Arts on Radio & Television 2001 Guidelines; and general discussion.

If, in the course of discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews which are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TTY-TDD 202/682-5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682-5570.

Dated: October 12, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 99-27108 Filed 10-15-99; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Design section (Heritage & Preservation, Education and Access categories), to the National Council on the Arts will be held from November 1-2, 1999 in Room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C., 20506. The Panel will meet from 9 a.m. to 6 p.m. on November 1st and from 9 a.m. to 4:30 p.m. on November 2nd. A portion of this meeting, from 2 p.m. to 3 p.m. on November 2nd, will be open to the public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 6 p.m. on November 1st, and from 9 a.m. to 2 p.m. and 3 p.m. to 4:30 p.m. on November 2nd, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms.

Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: October 12, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 99-27109 Filed 10-15-99; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Local Arts Agency section (Heritage & Preservation, Education and Access categories), to the National Council on the Arts will be held from November 9-10, 1999 in Room 708 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506. The Panel will meet from 9 a.m. to 5 p.m. on November 9th and from 9 a.m. to 4:30 p.m. on November 10th. A portion of this meeting, from 1:15 p.m. to 2:45 p.m. on November 10th will be open to the Public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 5 p.m. on November 9th, and from 9 a.m. to 1:15 p.m. and 2:45 p.m. to 4:30 p.m. on November 10th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington,

DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: October 12, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 99-27110 Filed 10-15-99; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Museums/Visual Arts section (Education and Access categories), to the National Council on the Arts will be held from November 16-19, 1999 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506. The Panel will meet from 9 a.m. to 6 p.m. on November 16th, from 9 a.m. to 6:30 p.m. on November 17th and 18th, and from 9 a.m. to 4:30 p.m. on November 19th. A portion of this meeting, from 2 p.m. to 3 p.m. on November 19th, will be open to the public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 6 p.m. on November 16th, from 9 a.m. to 6:30 p.m. on November 17th-18th, and from 9 a.m. to 2 p.m. and 3 p.m. to 4:30 p.m. on November 19th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and

with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: October 12, 1999.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

[FR Doc. 99-27111 Filed 10-15-99; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that two meetings of the Combined Arts Advisory Panel, Folk & Traditional Arts section (Heritage & Preservation, Education and Access categories, to the National Council on the Arts will be held from November 2-3 and November 8-10, 1999 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC, 20506. The Panels will meet from 9 a.m. to 8:30 p.m. on November 2nd and November 8th, from 9 a.m. to 5:30 p.m. on November 3rd and November 10th, and from 9 a.m. to 6:30 p.m. on November 9th. A portion of one meeting, from 1:30 p.m. to 2:30 p.m. on November 9th, will be open to the public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 8:30 p.m. on November 2nd and 8th, from 9 a.m. to 5:30 p.m. on November 3rd and 10th, and from 9 a.m. to 1:30 p.m. and 2:30 p.m. to 6:30 p.m. on November 9th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May

12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: October 13, 1999.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

[FR Doc. 99-27112 Filed 10-15-99; 8:45 am]

BILLING CODE 7537-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27085]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

October 8, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 12, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at

law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 12, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The National Grid Group plc, et al. (70-9473)

The National Grid Group plc ("National Grid"), a public limited company incorporated under the laws of England and Wales, National Grid (US) Holdings Limited, National Grid (US) Investments, National Grid (Ireland) 1 Limited, National Grid (Ireland) 2 Limited, National Grid General Partnership, and NGG Holdings, Inc. (except for National Grid, "Intermediate Companies"),¹ each located at National Grid House, Kirby Corner Road, Coventry CV4 8JY, United Kingdom, and New England Electric System ("NEES"),² a registered holding company, located at 25 Westborough Drive, Westborough, Massachusetts 01582, (collectively, "Applicants") have filed a joint application-declaration under sections 2(a)(7), 2(a)(8), 9(a), 10, 13(b), 32 and 33 of the Act and rules 45, 52, 53, 54, under the Act.

Summary of Proposal

As described in more detail below, National Grid proposes: (a) To acquire, by means of the merger described below, ("Merger"), all of the issued and outstanding common stock of NEES ("NEES Common Stock") and, as a result of the acquisition of NEES Common Stock, indirectly acquire (i) all of NEES' interest in its electric utility subsidiary companies and (ii) all of the issued and outstanding common stock of NEES' nonutility subsidiaries; (b) to retain NEES as a subsidiary public utility holding company registered under section 5 of the Act; (c) to engage in acquisition-related financing transactions; (d) to retain National

¹ The Intermediate Companies either have been or will be formed prior to the consummation of the Merger. The Intermediate Companies will require the approval of their respective boards of directors to engage in the activities contemplated by this filing.

² On February 1, 1999, NEES announced that it had entered into an agreement to acquire all of the outstanding common stock of Eastern Utilities Associates ("EUA"), a registered holding company under the Act. Consummation of the merger between NEES and EUA is not conditional on, and is proceeding independently from, the closing of the Merger. NEES and EUA have an application pending (File No. 9537) for NEES to acquire all of the outstanding voting securities of EUA.

Grid's existing nonutility activities, businesses and investments; (e) to retain NEES' nonutility businesses; and (f) that the Commission find that the Intermediate Companies are not "holding companies" for purposes of section 11(b)(2) of the Act.

Following consummation of the Merger, National Grid will register with the Commission as a holding company under section 5 of the Act. NEES is currently a holding company registered under section 5 of the Act and will remain registered following consummation of the Merger.³ In addition, the Intermediate Companies will each register as holding companies under the Act.

National Grid and Subsidiaries

National Grid is a public limited company formed in 1989 under the laws of England and Wales. Other than the Intermediate Companies, National Grid currently has one direct subsidiary National Grid Holdings plc. ("National Grid Holdings"). National Grid Holdings was formed under the laws of England and Wales to serve as a holding company over National Grid Company plc ("National Grid Company"), a utility company, and the other subsidiaries of National Grid that would not be in the NEES of ownership. Prior to consummation of the Merger, National Grid Holdings will file a notification of a foreign utility company status a quality as a FUCO within the meaning of Section 33 of the Act. The parties expect that National Grid Holdings will retain this status following the Merger.

National Grid Holdings' other direct subsidiaries are: National Grid Insurance Limited; National Grid International Limited; The National Grid Group Quest Trustees Limited; NGG Telecoms Holdings Limited; and Natgrid Finance Holdings Limited.

National Grid Company is the only electric transmission company in England and Wales.⁴ It now owns 4,300 miles of overhead transmission lines and 400 miles of underground cables, all in England and Wales, as well as interconnections with Scotland and France. The principal functions of National Grid Company in the

competitive British power supply market are to: (a) Provide transmission services on a for-profit, non-discriminatory basis, (b) maintain and make all needed improvements to optimize access to the transmission system; (c) procure ancillary services on the transmission system; (d) match demand and supply; (e) manage the daily system of half-hourly bids for competing generators; and (f) calculate market prices and make the payments due from each day's energy trading. National Grid Company is subject to regulatory controls overseen by the United Kingdom's Director General of Electricity Supply with regard to the prices it may charge for transmission services in England and Wales. Transmission price control arrangements are in effect for National Grid Company and are expected to remain in force until March 31, 2001.

National Grid Insurance Limited is an insurance subsidiary formed in connection with the self-insured retention of National Grid Company's transmission assets. National Grid International Limited is an intermediate holding company for certain of the overseas activities of national Grid.⁵ These activities include automated meter reading and billing, telecommunications and electric transmission and distribution. The National Grid Group Quest Trustees Limited is the trustee company for National Grid's qualifying employee share ownership trust. NGG Telecoms Holdings Limited Indirectly holds National Grid's interest, currently at 48.3%, in Energis plc ("Energis"), a telecommunications company that focuses on the business marketplace in the United Kingdom. Natgrid Finance Holdings Limited is an intermediate holding company for entities that provide financial management services to National Grid.

National Grid's ordinary shares are listed on the London Stock Exchange ("LSE").⁶ According to a report filed by

National Grid with the Commission on October 4, 1999 in accordance with section 12(b) of the Securities Exchange Act of 1934 on Form 20-F, there were 1,478,080,576 ordinary shares and one special share⁷ issued as of September 15, 1999. As of the fiscal year ended March 31, 1999, National Grid had revenues, net income and assets of \$2.49 billion, \$1.65 billion and \$8.35 billion, respectively.⁸

NEES and Subsidiaries

NEES is a registered holding company organized as a voluntary association under the laws of the Commonwealth of Massachusetts. The NEES system covers more than 4,500 square miles with a population of approximately 3 million. NEES owns all of the voting securities of four electric distribution subsidiaries, Massachusetts Electric Company ("Mass. Electric"), The Narragansett Electric Company ("Narragansett"), Granite State Electric Company ("Granite State") and Nantucket Electric Company ("Nantucket"). In addition, NEES has four other electric utility subsidiaries: New England Power Company ("NEP"); New England Electric Transmission ("NEET"); New England Hydro-Transmission Corporation ("N.H. Hydro"); and New England Hydro-Transmission Electric Company ("Mass. Hydro").⁹

⁷This special share is owned by the government of the United Kingdom and is commonly referred to as the "golden share" in National Grid. The golden share is a single non-voting share that prevents amendments to National Grid's Memorandum and Articles of Association without the consent of the holder of the golden share. The Memorandum and Articles of Association contain restrictions on certain classes of persons holding more than a prescribed shareholding in National Grid (as the indirect holder of the England and Wales transmission License through The National Grid Company). In particular, the Memorandum and Articles of Association restrict companies that trade electricity in England and Wales from owning more than 1% of the shares of National Grid and also requires that no party may own more than 15% of National Grid's shares. The golden share is a means to preserve the status of national Grid as an independent provider of transmission services.

⁸All figures are presented on a U.S. Generally Accepted Accounting Procedures ("GAAP") basis. The figures for revenues and net income were translated into dollars using a rate of U.S. \$1.65 for one pound (Noon Buying Rate on the last business day of each month during the year ended March 31, 1999), and the figure for assets was translated using a rate of U.S. \$1.61 for one pound (Noon Buying Rate on March 31, 1999). Consistent with U.S. GAAP, National Grid's share of joint ventures and associates' businesses is included in net income and assets but is omitted from revenues. For the year ended March 31, 1999, National Grid's investment in Energis accounted for \$36 million of National Grid's net income (calculated in the same manner as overall revenue).

⁹NEES owns certain percentages, represented in parentheses, of the outstanding voting securities of the following utility subsidiaries: NEP (99.97%);

Continued

³As more particularly described below, NEES will be merged into NGG Holdings, Inc. with NGG Holdings, Inc. as the surviving entity. All references to NEES in this notice are to NEES and its potential corporate successor.

⁴As part of the United Kingdom government's privatization efforts, the Central Electricity Generating Board, which owned and operated the vast majority of electric generation and transmission facilities in England and Wales, was split into three competing generation companies, and an independent transmission company, which is now National Grid Company.

⁵Some of these activities are pursued in the United States by Teldata International Limited and National Grid USA Inc., first-tier subsidiaries of National Grid International Limited. Through its subsidiaries Teldata Inc. and First Point Services Inc., Teldata International Limited provides metering and billing services to electric, gas and water utilities and energy service providers. National Grid USA Inc. was formed to investigate potential opportunities in the United States market for National Grid. No other National Grid companies conduct operations in the U.S.

⁶National Grid has an unsponsored American depository Receipt ("ADR") program under which a relatively small amount of its shares trade in the United States as ADRs. National Grid is preparing the necessary documentation which will enable it to become listed on a public exchange in North America through a full ADR program sometime prior to the closing of this transaction.

Mass. Electric provides electric energy to approximately 980,000 customers in an area comprising approximately 43 percent of Massachusetts. At the end of 1998, Mass. Electric had total assets of \$1.45 billion, operating revenues of \$1.49 billion and net income of \$50.4 million. Mass. Electric is subject to regulation by the Federal Energy Regulatory Commission ("FERC") and the Massachusetts Department of Telecommunications and Energy ("MDTE").

Narragansett provides electric energy to approximately 335,000 customers in Rhode Island. At the end of 1998, Narragansett had total assets of \$644.1 million, operating revenues of \$475 million and net income of \$32.3 million. Narragansett is subject to regulation by the FERC, the Rhode Island Public Utility Commission ("RIPUC") and the Rhode Island Division of Public Utilities and Carriers ("RIDIV").

Granite State provides electric energy to approximately 37,000 customers in 21 New Hampshire communities.¹⁰ At the end of 1998, Granite State had total assets of \$61.8 million, operating revenues of \$65.7 million, and net income of \$3.2 million. Granite State is subject to regulation by the FERC and the New Hampshire Public Utilities Commission ("NHPUC").

Nantucket provides electric utility service at retail to approximately 10,000 customers on Nantucket Island in Massachusetts. At the end of 1998, Nantucket had total assets of \$44 million, operating revenues of \$15.1 million, and net income of \$567,000. Nantucket is subject to regulation by the FERC and the MDTE.

NEP is also a holding company because it owns more than ten percent of the outstanding voting securities of Vermont Yankee Nuclear Power Corporation, the licensed operator of the Vermont Yankee nuclear facility.¹¹ At the end of 1998, NEP had total assets of \$2.41 billion, operating revenues of \$1.2 billion and net income of \$122.9 million. NEP is subject to regulation by

N.H. Hydro (53.97%); and Mass. Hydro (53.97%). All of NEES' other utility subsidiaries are wholly owned by NEES.

¹⁰ Granite State also provides a range of energy and energy-related services, including: sales of electric energy, audits, power quality, fuel supply, repair, maintenance, construction, design, engineering and consulting.

¹¹ NEP also has minority interests in Yankee Atomic Electric Company, Maine Yankee Atomic Power Company and Connecticut Yankee Atomic Power Company, all of which have permanently ceased operations. As a holding company, NEP is exempt from registration under the Act. See *Yankee Atomic Electric Company*, Holding Co. Act Release no. 13048 (Nov. 25, 1955); *Connecticut Yankee Atomic Power Company*, Holding Co. Act Release No. 14768 (Nov. 15, 1963).

the FERC, the Nuclear Regulatory Commission ("NRC"), the RIDIV, the MDTE, the NHPUC, the Vermont Public Service Board ("VPSB") the Connecticut Department of Public Utility Control ("CDPUC"), and the Maine Public Utilities Commission.

NEET owns and operates a direct current/alternating current converter terminal facility for the first phase of the Hydro-Quebec and New England interconnection ("Interconnection") as well as six miles of high voltage direct current transmission line in New Hampshire. N.H. Hydro operates 121 miles of high-voltage direct current transmission line in New Hampshire for the second phase of the Interconnection, extending to the Massachusetts border. Mass. Hydro operates a direct current/alternating current terminal and related facilities for the second phase of the Interconnection and 12 miles of high-voltage direct current transmission line in Massachusetts.

In addition to its utility subsidiaries, NEES has the following nonutility subsidiaries: New England Power Service Company ("Service Company"); New England Hydro Finance Company, Inc.; NEES Communication, Inc. ("NEESCom"); NEES Telecommunications Corp.; NEES Global, Inc. ("NEES Global"); NEES Energy, Inc. ("NEES Energy"); A/Energy Marketing Company, L.L.C. ("A/Energy"); Texas Liquids, L.L.C. ("Texas Liquids"); AEDR Fuels L.L.C. ("AEDR"); Weatheride USA ("Weatheride"); Texas-Ohio Gas, Inc.; Granite State Energy, Inc. ("Granite State"); Metro West Realty, L.L.C.; 25 Research Drive, L.L.C.; New England Energy, Inc.; and Nexus Energy Software, Inc. ("Nexus").¹² NEES also holds a 0.8% ownership interest in UNITIL Company ("Unitil"), which is registered holding company headquartered in New England.¹³

New England Power Service Company, provides a variety of administrative and consulting services for the NEES system under a service agreement approved by the Commission in accordance with the requirements of rule 90 under the Act. New England Hydro Finance Company, Inc., which is owned in equal shares by Mass. Hydro and N.H. Hydro, provides the debt

¹² All of these subsidiaries are either directly or indirectly wholly owned by NEES, except for (a) Nexus in which NEES Global has a 40.3% ownership interest, (b) AEDR, in which Texas Liquids has a fifty percent voting interest, and (c) Weatheride, in which Texas Liquids has a ten percent voting interest.

¹³ NEES acquired the Unitil interest in exchange for NEES's interest in Fitchburg Gas and Electric Company when that company was merged with Unitil.

financing required by the owners to fund the capital costs of their participation in the Interconnection. NEES Communication, Inc. is an exempt telecommunications company that provides telecommunications and information-related goods and services. NEES telecommunications Corp. is wholly owned by NEESCom and is presently inactive. NEES Global provides consulting services and product licenses to unaffiliated utilities in the area of electric utility restructuring and customer choice. NEES Energy, Inc. owns ninety nine percent of the voting securities of A/Energy,¹⁴ which markets energy products and provides a wide range of energy-related services to customers in the competitive power markets of New England and New York. Texas Liquids engages principally in the marketing and sale of propane and energy in the New Jersey area. AEDR is principally engaged in the home heating oil business. Weatheride is engaged in providing energy management, demand side management, technical services and utility hedging services. Metro West Realty, L.L.C. conducts real estate investment and management activities. 25 Research Drive, L.L.C. was formed to facilitate the proposed acquisition of Eastern Utilities Associates. New England Energy, Inc. is currently inactive. Nexus develops and licenses its software to utilities and operates a website which targets energy consumers for the purpose of helping them make energy choices.¹⁵

NEES Common Stock is listed on the New York Stock Exchange and the Boston Stock Exchange. As of December 31, 1998, there were 59,171,015 shares of NEES Common stock outstanding. On a consolidated basis at the end of 1998, NEES had total assets of \$5.07 billion, net utility assets of \$2.5 billion, total operating revenues of \$2.42 billion, utility operating revenues of \$2.24 billion, and net income of \$190 million.

The Proposed Merger and Subsequent Corporate Structure

In accordance with an Agreement and Plan of Merger ("Merger Agreement"), dated as of December 11, 1998 by and among National Grid, NGG Holdings, LLC, a Massachusetts limited liability

¹⁴ NEES Global owns the remaining one percent.

¹⁵ In addition to these nonutility subsidiaries, NEES Global has a 4% ownership interest in Monitoring Technologies, Inc. ("MTC") and a voting interest of 4.67% in Separation Technologies, Inc. ("STI"). MTC designs, develops, manufactures and markets microprocessor-based products that monitor wear and forecast failure of components in machinery. STI is a provider of ash processing equipment, project financing, operations and marketing services related to its equipment.

company and a wholly owned subsidiary of National Grid, and NEES, NEES will become an indirect, wholly owned subsidiary of National Grid. The Merger will be accomplished in several steps. Specifically, NEES will merge with and into NGG Holdings, LLC, with NEES as the surviving entity, and then merge again into another to-be-formed limited liability company (which survives), which in turn will merged into NGG Holdings, Inc. with NGG Holdings, Inc. as the surviving entity.

As consideration for each common share of NEES outstanding at the time of the Merger, NEES shareholders will receive \$53.75 per share in cash. This cash payment will increase by \$0.003288 per share, up to \$0.60 per share, for each day that the Merger closing is delayed longer than six months after NEES shareholders approve the Merger.¹⁶ NEES shareholders will not obtain any stock consideration from National Grid in the Merger. Applicants state that the Merger is expected to have no effect on the outstanding public debt and preferred securities of the NEES Subsidiary Companies.¹⁷

National Grid intends to establish the Intermediate Companies¹⁸ as intermediate holding companies in the corporate structure between National Grid and NEES. The purpose of this structure is to permit both reinvestment and repatriation of the profits of NEES in a tax efficient manner. These entities exist primarily for the purpose of creating an economically efficient and viable structure for the transaction and the ongoing operations of NEES. Applicants, however, note that certain adjustments in this structure may be necessary to reflect tax and accounting changes as well as management decisions prior to consummation of the Merger.

Section 11(b)(2) requires, in effect, that a registered holding company may not have as an indirect subsidiary a company which is itself a holding company as defined in the Act. Section 2(a)(7), which defines what constitutes a holding company within the meaning of the Act, provides that the Commission may, under certain circumstances, determine that a company is not a holding company as defined in that section. Applicants propose that the Intermediate

Companies not be deemed holding companies under section 2(a)(7), solely for purposes of section 11(b)(2).

Following consummation of the Merger, National Grid will file under section 5 as a registered holding company, with NEES as an indirect wholly owned subsidiary registered holding company. National Grid will seek to qualify National Grid Holdings as a foreign utility company within the meaning of section 33 of the Act. Applicants maintain that, as a FUCO, National Grid Holdings will be exempt from all provisions of the Act, except as provided in section 33. In this regard, Applicants seek confirmation that National Grid's investment in National Grid Holdings at the time of consummation of the Merger will not be counted toward the limitation on "aggregate investment" for purposes of rule 53 under the Act. In addition, national Grid will seek to qualify NGG Telecoms Limited and certain subsidiaries of National Grid International Limited as exempt telecommunications companies within the meaning of section 34 of the Act.

Following consummation of the Merger, NEES Common Stock will be deregistered under the Securities Exchange Act of 1934, as amended, and delisted from the New York Stock Exchange and the Boston Stock Exchange. The NEES Agreement and Declaration of Trust will be replaced by corporate bylaws for the surviving entity in the Merger.¹⁹ The Merger Agreement provides that the headquarters of NEES will remain in Massachusetts, with offices for utility operations in Massachusetts, Rhode Island and New Hampshire. The post-Merger NEES board of directors will be comprised of up to nine members designated from among the officers of National Grid and NEES, as mutually agreed by National Grid and NEES. The Merger Agreement provides that the chief executive officer of NEES and an additional director of NEES, each a United States citizen, will serve on National Grid's board of directors. In addition, the then-current outside directors of NEES will be appointed to an advisory board to be maintained for at least two years after the effectiveness of the Merger. The function of the advisory board will be to advise the surviving entity's board of directors with respect to general business opportunities and activities in

the surviving entity's market area as well as customer relations issues.

Financing the Merger

National Grid intends to finance the acquisition of NEES through a combination of borrowings under existing bank facilities and other internal cash sources. It is expected that the acquisition price will be approximately \$3.2 billion. On March 5, 1999, National Grid entered into a fully committed bank facility providing for up to \$2.750 billion in borrowings. The facility has a maturity of three to five years. Applicants seek confirmation that National Grid's borrowing under this credit facility for purposes of financing the Merger would be permissible under the Act.²⁰

Margaret H. McFarland,
Deputy Secretary.

For the Commission, by the Division of Investment Management, under delegated authority.

[FR Doc. 99-27037 Filed 10-15-99; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Computation of Alternative Maximum Annual Cost of Money to Small Businesses

13 CFR 107.855 limits the maximum annual Cost of Money (as defined in 13 CFR 107.50) that may be imposed upon a Small Business in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "Debenture Rate", which is defined in 13 CFR 107.50 as the interest rate, as published from time to time in the **Federal Register** by SBA, for ten year debentures issued by Licensees and funded through public sales of certificates bearing SBA's guarantee.

Accordingly, Licensees are hereby notified that effective the date of publication of this Notice, and until further notice, the Debenture Rate, plus the 1 percent annual fee which is added to this Rate to determine a base rate for computation of maximum Cost of Money, is 8.22 percent per annum.

13 CFR 107.855 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to Section 308(i) of the Small

¹⁶ NEES Shareholders approved the Merger on May 3, 1999.

¹⁷ NEES currently has no public security holders other than common stockholders.

¹⁸ Applicants note that there will be no third party interests, including lenders, minority equity interest holders or customers, in the Intermediate Companies.

¹⁹ Although it is anticipated that NGG Holdings will be the surviving entity in the Merger, Applicants currently intend to convert the surviving entity into a more conventional business corporation, which Applicants anticipate will have the name NEES Holdings, Inc.

²⁰ National Grid, NGG Holdings, the Intermediate Companies, NEES and NEES's subsidiaries have filed an application before the Commission (File No. 70-9519), requesting authority to engage in a variety of post-merger financing and related transactions.

Business Investment Act of 1958, as amended, regarding that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

(Catalog of Federal Domestic Assistance Program No. 59.011, small business investment companies)

Dated: October 7, 1999.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 99-27028 Filed 10-15-99; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Salt Lake City International Airport, Salt Lake City, UT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Executive Director of Salt Lake City International Airport under the provisions of 49 U.S.C. Sec. 47504(b) and 14 CFR Part 150. These findings are made in recognition of the description of federal and non-federal responsibilities in Senate Report No. 96-52 (1980).

On March 10, 1999, the FAA determined that the noise exposure maps submitted by the Executive Director under Part 150 were in compliance with applicable requirements. On September 3, 1999, the Acting Associate Administrator for Airports approved the Salt Lake City International Airport noise compatibility program. All but four of the program elements were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Salt Lake City International Airport noise compatibility program is September 3, 1999.

FOR FURTHER INFORMATION CONTACT: Dennis G. Ossenkop; Federal Aviation Administration; Northwest Mountain Region; Airports Division, ANM-611; 1601 Lind Avenue, SW, Renton, Washington, 98055-4056. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Salt Lake City International Airport, effective September 3, 1999. Under 49 U.S.C. Sec. 47504(a), an airport operator who has

previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. Title 49 U.S.C. Sec. 47503(a)(1) requires such a program to be developed in consultation with interested and affected parties including the state, local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150.

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses.

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government.

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute a FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental

assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Denver, Colorado.

The Executive Director of Salt Lake City International Airport submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted at Salt Lake City International Airport. The Salt Lake City International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on March 10, 1999. Notice of this determination was published in the **Federal Register** on March 25, 1999.

The Salt Lake City International Airport noise compatibility program contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2003. It is requested that the FAA evaluate and approve this material as a noise compatibility program as described in 49 U.S.C. Sec. 47504(a). The FAA began its review of the program on March 10, 1999, and was required by a provision of 49 U.S.C. Sec. 47504(b) to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 17 proposed actions for noise mitigation on and off the airport. Noise Abatement measures 2 and 3 were approved in part, and disapproved in part for purposes of Part 150. Noise Abatement measures 6 and 7 were disapproved for purposes of Part 150 pending submission of sufficient information to make an informed analysis regarding the noise benefits contributed by these measures to the overall NCP.

The FAA completed its review and determined that the procedural and substantive requirements of 49 U.S.C. Sec. 47504(b) and FAR 150 have been satisfied. The overall program, therefore, was approved by the Acting Associate Administrator for Airports effective September 3, 1999.

These determinations are set forth in detail in a Record of Approval endorsed by the Acting Associate Administrator

for Airports on September 3, 1999. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal are available for review at the FAA office listed above and at the administrative offices of the Salt Lake City International Airport.

Issued in Renton, Washington on October 1, 1999.

Lowell H. Johnson,

Manager, Airports Division Northwest Mountain Region.

[FR Doc. 99-26953 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 21, 1999 [64 FR 27850].

DATES: Comments must be submitted on or before November 17, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Liss, (202) 366-5060, Office of Highway Policy Information, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590-0001. Office hours are from 9:15 a.m. to 5:45 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: 2000 Nationwide Personal Transportation Survey (NPTS).

OMB Number: 2125-0545.

Type of Request: Reinstatement of an expired information collection.

Affected Public: Individual members of the public. The household is the unit of observation, and approximately 25,000 households will complete the survey.

Abstract: The NPTS is conducted periodically on behalf of the Department of Transportation (DOT) to obtain information on the amount and nature of personal travel on all modes by the

American public and how travel is changing over time. The information in the survey is used by FHWA and other DOT administrations to evaluate travel patterns in terms of the mobility of various subgroups; the safety of vehicle drivers and passengers and pedestrians; the role of travel in economic productivity; and maintaining our mobility while protecting the human and natural environment. Many changes in travel and the related social patterns, such as the aging of the baby boomers, require that the DOT update the personal travel data on a periodic basis. Changes in household composition, the role of women, the location of residences and workplaces, and unique travel issues of the elderly are reflected in changes in local and long-distance travel. This survey will be coordinated with the American Travel Survey (ATS), conducted by the Bureau of Transportation Statistics, which collects data on longer trips of approximately 50 miles or more over a one-month period. The data collected in the NPTS and the ATS will allow transportation professionals at the Federal, state and metropolitan levels to make informed decisions about policies and plans.

Frequency: The survey will be conducted once during the period from July 2000 through August 2001. This survey was last conducted in 1995.

Estimated Burden: The estimated burden per household averages 70 minutes, which includes interviewing an average of 2.6 persons per household. The burden per person averages 20 minutes for the interview and another 7 minutes for keeping the diary and writing the odometer readings. Including a pretest, the total estimated annual burden is 31,122 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this Notice.

Issued on October 12, 1999.

Michael J. Vecchiotti,

Director, Office of Information and Management Services.

[FR Doc. 99-27091 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification or exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before November 2, 1999.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials

transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on October 12, 1999.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
8308-M	Tradewind Enterprises, Inc., Hillsboro, OR (See Footnote 1)	8308
8554-M	Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 2)	8554
8723-M	Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 3)	8723
10929-M	Matheson Tri-Gas, Parsippany, NJ (See Footnote 4)	10929
11327-M	Phoenix Services Limited Partnership, Pasadena, MD (See Footnote 5).	11327
11537-M	JCI Jones Chemicals, Inc., Milford, VA (See Footnote 6)	11537
11545-M	Bernzomatic, Medina, NY (See Footnote 7)	11545
11620-M	CCL Container (Advanced Monobloc Aerosol Div.), Hermitage, PA (See Footnote 8).	11620
12098-M	RSPA-1998-3994 ..	Carleton Technologies, Inc., Orchard Park, NY (See Footnote 9) ...	12098

¹ To modify the exemption to allow for charges to the Health Physicist's evaluation functions of on-site operations in the safe handling of radioactive materials.

² To modify the exemption to allow for the transportation of additional Division 5.1 materials in certain motor vehicles and cargo tanks.

³ To modify the exemption to allow for the transportation of additional Division 5.1 materials in certain motor vehicles and portable tanks.

⁴ To modify the exemption to allow for the transportation of certain Division 2.3 materials in tanks cars.

⁵ To modify the exemption to allow for the use of an additional container design type for the transportation of regulated medical waste.

⁶ To modify the exemption to include an additional UN31H1 intermediate bulk container as authorized packaging for the transportation of certain Class 8 materials.

⁷ To modify the exemption to allow for the use of an additional container design type for the transportation of certain Division 2.1 materials.

⁸ To modify the exemption to allow for the transportation of alternate refrigerants (Division 2.2) in certain DOT Specification 2Q containers.

⁹ To modify the exemption to allow a change to the marking requirements of a non-DOT specification cylinder for the transportation of certain Division 2.2 compressed gases.

[FR Doc. 99-27114 Filed 10-15-99; 8:45 am] BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is

hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before November 17, 1999.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-

addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL-401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW, Washington, DC 20590 or at <http://dms.dot.gov>.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 4117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on October 12, 1999.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12350-N	RSPA-1999-6289	BAC Technologies Ltd, West Liberty, OH.	49 CFR 173.302(a)(5), 173.34, 175.3, 178.46.	To authorize the manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinders for the transportation in commerce of certain compressed gases. (modes 1, 2, 3, 4, 5,)
12351-N	RSPA-1999-6290	Nalco/Exxon Energy Chemicals, L.P., Freeport, TX.	49 CFR 177.834(i)(3)	To authorize an electronic monitoring system without the physical presence of an unloader within 25 feet of cargo tanks during loading operations. (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12353-N	RSPA-1999-6291	Monson Companies, South Portland, ME.	49 CFR 172.203(a), 177.834(h).	To authorize the unloading of certain Class 8 and Division 5.1 liquids from UN31H1 and UN31H2 Intermediate Bulk Containers without removing the tanks from the vehicles on which it is transported and without required markings. (mode 1)
12354-N	RSPA-1999-6292	Catholic Medical Center, Manchester, NH.	49 CFR 172.101 Col. 8(c), 173.197.	To authorize the transportation in commerce of regulated medical waste classed in Division 6.2, in polyethylene bags overpacked in non-DOT specification bulk bins. (mode 1)
12355-N	RSPA-1999-6297	Union Tank Car Company East Chicago, IN.	49 CFR 179.100-4(a), 179.200-4(a).	To authorize the transportation in commerce of various hazardous materials in tank cars equipped with steel inspection port covers. (mode 2)
12356-N	RSPA-1999-6293	Memorial Healthcare System, Pembroke Pines, FL.	49 CFR 172.101, Col.8(c), 173.197.	To authorize the transportation in commerce of Regulated medical waste, Division 6.1, in polyethylene bags overpacked in non-DOT specification bulk bins. (mode 1)
12357-N	RSPA-1999-6300	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 173.243(d)	To authorize the transportation in commerce of toxic liquid, corrosive, organic n.o.s., Division 6.1 in UN31H1/Y rigid plastic intermediate bulk containers. (mode 1)
12358-N	RSPA-1999-6302	BIC Corporation, Milford, CT.	49 CFR 172.400	To authorize the transportation in commerce of Lighters or Lighter refills, Division 2.1, without required labelling when packaged in accordance with 49 CFR. (mode 1)
12359-N	RSPA-1999-6304	Reilly Industries, Inc., Indianapolis, IN.	49 CFR 173.243(d)	To authorize the transportation in commerce of Piperidine, Class 3, in DOT Specification IM 101 portable tanks, UN31A intermediate Bulk Containers and DOT Specification 57 portable tanks equipped with bottom outlets. (mode 1)
12360-N	RSPA-1999-6305	EMCORE Corp., Somerset, NJ.	49 CFR 173.187	To authorize the transportation in commerce of Waste, pyrophoric solids, inorganic, n.o.s., Division 4.2, for disposal in UN1A2 packaging that exceed the quantity limitations. (mode 1)
12361-N	RSPA-1999-6306	PurePak Technology Corp., Gilbert, AZ.	49 CFR 173.159(f)(1)	To authorize the transportation in commerce of Nitric Acid, Class 8, in specially designed combination packaging. (modes 1, 2, 3)

Note: Correction to FR Vol. 68 No. 183, Wednesday, September 22, 1999, Page 51366 "List of Applications for Exemptions" Autoclave Engineers (Modes of Transportation) should have read "1 and 4" instead of "1".

[FR Doc. 99-27115 Filed 10-15-99; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-99-5143 (Notice No. 99-11)]

Safety Advisory; High Pressure Aluminum Seamless and Aluminum Composite Hoop-Wrapped Cylinders

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Safety advisory notice.

SUMMARY: Recently, a DOT-3AL cylinder made of aluminum alloy 6351-T6 ruptured while being filled. The purpose of this notice is to alert owners, users, and other persons responsible for the maintenance of certain cylinders

made of aluminum alloy 6351-T6 of potential safety problems and to advise them to follow the precautionary measures outlined in this notice. Also, RSPA requests information on other failures, if any, involving cylinders made of aluminum alloy 6351-T6, which may not have been previously reported to the agency.

FOR FURTHER INFORMATION CONTACT: Mark Toughiry or Stanley Staniszewski, Office of Hazardous Materials Technology, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington DC 20590-0001; telephone number (202) 366-4545; or by E-mail to "rules@rspa.dot.gov" and referring to the Docket and Notice numbers set forth above.

SUPPLEMENTARY INFORMATION: RSPA ("we") has been notified of the rupture of a DOT-3AL seamless aluminum

cylinder made of aluminum alloy 6351-T6. The cylinder was manufactured by Luxfer (USA) under exemption DOT-E 6498, in June 1977, as part of a self-contained breathing apparatus (SCBA) unit. The rupture occurred in Summerfield, North Carolina, while the cylinder was being filled to its marked service pressure of 2,216 pounds per square inch gauge (psig). We have requested that the manufacturer, Luxfer (USA), conduct a detailed analysis on this cylinder to determine the cause of the failure.

To date, we are aware of twelve ruptures within the United States involving DOT-3AL cylinders made of aluminum alloy 6351-T6, dating back to September 1986. Eleven of the ruptured cylinders failed during filling. Analyses have confirmed that most of these cylinders failed due to sustained load cracking (SLC) in the neck and shoulder area of the cylinder.

Cylinder ruptures pose risks of death, serious personal injury, and property damage that warrant special attention. We provided precautionary measures in an earlier safety advisory notice, entitled "High Pressure Aluminum Seamless and Aluminum Composite Hoop-Wrapped Cylinders", (Notice No. 94-7, 59 FR 38028, July 26, 1994) concerning cylinders made of aluminum alloy 6351-T6. In this notice, we reiterate and supplement those precautionary measures. The cylinders at issue were manufactured before 1990 by Luxfer (USA) and others. They are identified by serial numbers in Notice No. 94-7.

Any person who owns, uses, fills, or retests one of these cylinders should take the following actions:

1. Do not fill the cylinder to greater than the marked service pressure, except during a hydrostatic test.
2. Do not fill the cylinder that is beyond its required retest date.
3. Do not use any SCBA or self-contained underwater breathing apparatus (SCUBA) cylinder that is beyond its required retest date.
4. Ensure that any cylinder awaiting an inspection, for any reason, undergoes a non-destructive examination (NDE) on the interior of the cylinder neck and shoulder area for SLC.
5. During or between DOT required requalifications, perform additional NDE on the interior of the cylinder neck and shoulder area for SLC.
6. Increase the frequency of internal inspections. We recommend that internal visual inspections be on an annual basis. Other NDE methods may be performed at longer intervals.

Industry guides, such as those provided by Professional Scuba Inspectors, Inc. and Luxfer (USA), contain valuable information regarding cylinder inspections and recommended inspection intervals. This information and the requirements in 49 CFR 173.34(e) should be consulted prior to conducting any cylinder inspection.

Any evidence of a crack or crack-like defect requires further evaluation. Contact the cylinder manufacturer, distributor, or retester for the procedure to be used in performing the NDE and for rejection criteria. For guidance on inspecting Luxfer (USA) cylinders, contact Luxfer Gas Cylinders, Customer Service Department, 3016 Kansas Avenue, Riverside, CA 92507, web site at www.luxfercylinders.com, telephone (909) 341-2288, fax (909) 781-6598. For additional information on SCUBA cylinders, Professional Scuba Inspectors, Inc. may be contacted at 6531 NE 198th St., Seattle, WA 98155,

telephone (425) 486-2252, web site at www.marinestudio.com/sunpacific/psi.

Any person who is aware of the rupture of any DOT-3AL cylinder, domestic or foreign, or any other cylinder manufactured from aluminum alloy 6351-T6, regardless of the severity of the incident, is requested to contact RSPA, through one of the individuals or E-mail address listed under the **FOR FURTHER INFORMATION CONTACT** caption above, as soon as possible.

This safety advisory and Notice No. 94-7 are available for review on the Internet by accessing the HazMat Safety Homepage at <http://hazmat.dot.gov>.

Issued in Washington, DC, on October 8, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 99-27113 Filed 10-15-99; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33804]

Cascade Rail Corp., Inc.—Acquisition of Control Exemption—Minnesota Central Railroad Company

Cascade Rail Corp., Inc. (Cascade), a noncarrier holding company, which currently owns 100% of the common stock of Nobles Rock Railroad, Inc. (NRR), a Class III rail carrier,¹ has filed a verified notice of exemption to acquire control of the Minnesota Central Railroad Company (MCRC), a Class III rail carrier, operating over approximately 146 miles of railroad in the State of Minnesota.

The transaction was expected to be consummated on or after October 8, 1999.²

Cascade states that (i) the rail lines of NRR do not physically connect with MCRC, (ii) there are no plans to acquire additional rail lines for the purpose of making a connection, and (iii) NRR and MCRC are Class III carriers. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however,

¹ NRR operates in the States of Minnesota and South Dakota.

² According to Cascade, it had not yet completed negotiations with MCRC's current owners at the time it filed the notice of exemption with respect to a transaction that would result in transfer of control over MCRC to Cascade.

does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33804, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, 1707 L Street, NW, Suite 570, Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 8, 1999.

By the Board, David M. Konschnick, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99-26957 Filed 10-15-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 7, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 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 November 17, 1999 to be assured of consideration.

Financial Management Service (FMS)

OMB Number: 1510-0042.

Form Number: SF 1055.

Type of Review: Extension.

Title: Claims Against the U.S. for Amounts Due in Case of a Deceased Creditor.

Description: This form is required to determine who is entitled to funds of a deceased Postal Savings depositor or deceased awardholder. The form properly completed with supporting documents enables this office to decide who is legally entitled to payment.

Respondents: Individuals or households.

Estimated Number of Respondents: 400.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (as needed).

Estimated Total Reporting Burden: 400 hours.

Clearance Officer: Jacqueline R. Perry (301) 344-8577, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.

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. 99-27046 Filed 10-15-99; 8:45 am]

BILLING CODE 4810-35-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 7, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 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 November 17, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1275.
Regulation Project Number: CO-45-91 Final.

Type of Review: Extension.

Title: Limitations on Corporate Net Operating Loss Carryforwards.

Description: Sections 1.382-9(d)(2)(iii) and (d)(4)(iv) allow a loss corporation to reply on a statement by beneficial owners of indebtedness in determining whether the loss corporation qualifies under section 382(1)(5). Section 1.382-9(d)(6)(ii) requires a loss corporation to file an election if it wants to apply the regulations retroactively, or revoke a prior section 382(1)(6) election.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 650.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 200 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 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. 99-27047 Filed 10-15-99; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Customs Service

Performance Review Board— Appointment of Members

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces the appointment of the members of the United States Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4314(c)(4). The purpose of the PRB's is to review senior executives' performance appraisals and to make recommendations regarding performance appraisals and performance awards.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT:

Robert M. Smith, Personnel Director, Human Resources Management, United States Customs Service, 1300 Pennsylvania Avenue, NW., Room 2.4-

A, Washington, DC 20229; Telephone (202) 927-2900.

Background

There are two (2) PRB's in the U.S. Customs Service.

Performance Review Board 1

The purpose of this Board is to review the performance appraisals of senior executives rated by the Commissioner of Customs. The members are:

John C. Dooher, Senior Assistant Director, Washington Center, Federal Law Enforcement Training Center

David Medina, Deputy Assistant Secretary, Enforcement Policy, Department of the Treasury

Jane E. Vezeris, Assistant Director, Office of Administration, U.S. Secret Service

Anna Fay Dixon, Director, Office of Enforcement Budget Resources Policy, Office of the Under Secretary of the Treasury for Enforcement, Department of the Treasury

John P. Simpson, Deputy Assistant Secretary, Regulatory, Tariff and Trade Enforcement, Department of the Treasury

Performance Review Board 2

The purpose of this Board is to review the performance appraisals of all senior executives except those rated by the Commissioner of Customs. The members are:

William F. Riley, Director, Office of Planning, Office of the Commissioner

Assistant Commissioners:

Douglas M. Browning, International Affairs

Marjorie L. Budd, Training and Development

S.W. Hall, Information and Technology/CIO

Curtis W. Hamilton, Finance/CFO

William A. Keefer, Internal Affairs

Stuart P. Seidel, Regulations and Rulings

Lance S. Statler, Congressional Affairs

Deborah J. Spero, Human Resources Management

Bonni G. Tischler, Investigations

Robert S. Trotter, Strategic Trade

Charles W. Winwood, Field Operations

Dated: October 12, 1999.

Raymond W. Kelly,

Commissioner of Customs.

[FR Doc. 99-27036 Filed 10-15-99; 8:45 am]

BILLING CODE 4820-02-P

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 ENERGY

Federal Energy Regulatory Commission

[Project No. 2927]

Aquamac Corporation; Notice of Authorization for Continued Project Operation

Correction

In notice document 99-26261 beginning on page 54878, in the issue of Friday, October 8, 1999, the heading is corrected by adding "[Project No. 2927]" as set forth above.

[FR Doc. C9-26261 Filed 10-15-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-113526-98]

RIN 1545-AW44

Arbitrage and Related Restrictions Applicable to Tax-Exempt Bonds Issued by State and Local Governments; Investment-Type Property

Correction

In proposed rule document 99-21878 beginning on page 46320, in the issue of Wednesday, August 25, 1999, make the following correction:

On page 46321, in the second column, in the **Explanation of Provisions** section, in the second full paragraph, in the eighth and ninth lines, after "before" remove "this document is".

[FR Doc. C9-21878 Filed 10-15-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8829]

RIN 1545-AW87

Compromises

Correction

In rule document 99-18456 beginning on page 39020, in the issue of Wednesday, July 21, 1999, make the following correction(s):

1. On page 39024, in the first column, in amendatory instruction **Par.3.**, in the first line, "Section" should read "Sections", and after "Sections" remove "S".

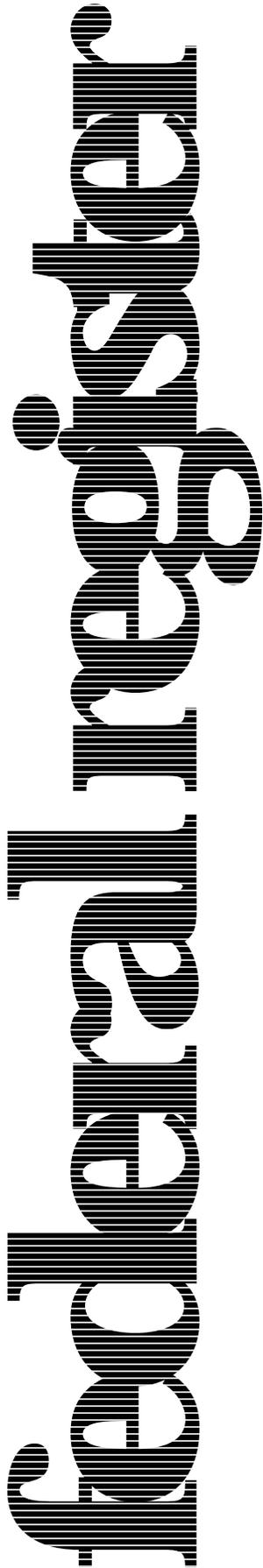
2. On the same page, in the same column, in the same amendatory instruction, in the second line, "301.7211-1T" should read "301.7122-1T".

§ 301.7122-OT [Corrected]

3. On the same page, in the same column, in the heading for § 301.7122-OT, "**§ 301.7122-OT-2**" should read "**§ 301.7122-OT**".

[FR Doc. C9-18456 Filed 10-15-99; 8:45 am]

BILLING CODE 1505-01-D



Monday
October 18, 1999

Part II

**Department of
Education**

**National Awards Program for Model
Professional Development; Notice Inviting
Applications for New Awards for Fiscal
Year 2000 and Notice of Selection
Criteria**

DEPARTMENT OF EDUCATION

National Awards Program for Model Professional Development Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of the Program: The National Awards Program recognizes a variety of schools and school districts with model professional development activities in the pre-kindergarten through twelfth grade levels that have led to increases in student achievement. The FY 2000 competition focuses on schools and school districts that meet the eligibility and selection criteria for this program, as published elsewhere in this issue of the **Federal Register**.

Eligible Applicants: Schools and school districts in the States (including schools located on Indian reservations, and in the District of Columbia, Puerto Rico, and the outlying areas) that provide educational programs in the pre-kindergarten through twelfth grade levels.

Applications Available: October 18, 1999.

Deadline for the Transmittal of Applications: January 18, 2000.

Deadline for Intergovernmental Review: March 20, 2000.

Funds Available: None, but the Department intends to pay the costs of having successful applicants make presentation on their professional development activities at regional and national conferences.

Estimated Number of Awards: Up to 10.

Note: The Department is not bound by any estimates in this notice.

Eligibility and Selection Criteria: The eligibility and selection criteria and selection procedures in the notice of final eligibility and selection criteria for this program, as published elsewhere in this issue of the **Federal Register**, apply to this competition.

For Applications or Further Information Contact: Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW—Room 506E, Washington, DC 20208. Telephone: 202-219-2203. Inquiries also may be sent by e-mail to sharon_horn@ed.gov or by FAX at 202-219-2198. The application package also is available electronically on the Department's Teacher Web Page at: <http://www.ed.gov/inits/TeachersWeb/> If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative

format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR APPLICATIONS OR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document

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<http://ocfo.ed.gov/fedreg.htm>

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To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, D.C., area at (202) 512-1530.

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Program Authority: 20 U.S.C. 8001.

Dated: October 13, 1999.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 99-27095 Filed 10-13-99; 3:55 pm]

BILLING CODE 4000-01-U

DEPARTMENT OF EDUCATION

National Awards Program for Model Professional Development

AGENCY: Office of Educational Research and Improvement, Department of Education.

ACTION: Notice of eligibility and selection criteria.

SUMMARY: The Assistant Secretary for Educational Research and Improvement (Assistant Secretary) announces eligibility and selection criteria to govern competitions under the National Awards Program for Model Professional Development for fiscal year (FY) 2000 and future years. Using these criteria, the National Awards Program will recognize a variety of schools and school districts with model professional development activities at the pre-kindergarten through twelfth grade levels that have led to increases in student achievement.

DATES: These eligibility and selection criteria are effective November 17, 1999.

FOR FURTHER INFORMATION CONTACT: Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506E, Washington, DC 20208-5644.

Telephone: (202) 219-2203 or FAX to (202) 219-2198. Inquiries also may be sent by e-mail to: sharon_horn@ed.gov If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice announces definitions and criteria to govern applications for recognition submitted under the National Awards Program for Model Professional Development. This Program began in 1996, in coordination with a wide range of national education organizations, to highlight and recognize schools and school districts whose professional development activities are well aligned with the statement of the Mission and Principles of Professional Development that the Department developed in 1995.

The public has expressed great interest in this program. In the first three years of the program, the Department received nearly 300 applications for national recognition. The Secretary has recognized 20 schools and school districts in 12 states—Arizona, California, Colorado, Connecticut, Georgia, Kansas, Massachusetts, New Mexico, New York, Oklahoma, Texas and Washington—for the high quality of their professional development activities and the link between those activities and improved student learning. Moreover, the National Awards Program has helped educators at all levels to learn both how teachers and others in these sites have succeeded in implementing high-quality professional development activities, and what educators in other locations can do to better evaluate the effectiveness of their own professional development efforts.

The importance of encouraging even more schools and school districts to implement high-quality professional development that is tied to increased student achievement, and having even greater numbers of exemplary sites as models for others, demands that this awards program be continued.

On July 28, 1999, the Assistant Secretary published a Notice of

Proposed Eligibility and Selection Criteria for this program in the **Federal Register** (64 FR 40856–58). This notice proposed to continue the eligibility and selection criteria that the Department announced in the **Federal Register** on October 30, 1997 (62 FR 58870–73) with the following exceptions:

- To meet criterion D, which requires applicants to demonstrate the link between their professional development activities and increased student achievement, applicants would need to present data on student achievement using multiple measures that cover a period of three years or more.

- If a school and a school district that served that school both submitted applications under the National Awards program, the Department only would consider the school district's application.

- All applicants would need to certify that they have no outstanding violations of the Individuals With Disabilities Education Act (IDEA) in a Department monitoring report or, if findings do exist, that the findings either have been corrected or are part of an agreement for corrective action.

There are no differences between the final eligibility and selection criteria for this program, and those proposed in the July 28, 1999 notice.

Note: This notice does not solicit applications. A notice inviting applications under this competition is published elsewhere in this edition of the **Federal Register**.

Analysis of Comments and Changes

In response to the Assistant Secretary's invitation in the notice of proposed eligibility and selection criteria, two parties submitted comments. An analysis of the comments follows.

Comment: One commenter noted that applicants may have difficulty meeting the proposed criterion that they use data from multiple measures and over three or more years to demonstrate the link between their professional development activities and increased student achievement. The commenter observed that school districts are still in the process of aligning their assessment systems with State content and performance standards in core subjects. Therefore, it will be difficult for school districts to provide the kind of longitudinal assessment data over a period of three years or more that the commenter believes the selection criteria require.

Discussion: We recognize that few schools and school districts are able now to generate three or more years of data on student achievement through

new assessment measures that are aligned with State content and student performance standards. Most States only very recently have developed their State content and student performance standards, and curriculum and teaching methods that complement them need to be in place before these new assessment methods can be properly used.

Where school districts do use these newly aligned assessments as measures of student achievement, the data they generate are available to the districts for presentation in their National Awards Program applications. However, because these student assessment measures are so new, we agree that most school districts cannot be expected to use them as the source of their multiyear data on student achievement. The proposed selection criteria simply require applicants to describe both their professional development activities and how the measures they have used and relied upon during a period of three years or more demonstrate that the achievement level of their students has increased.

We do not believe that any change in the selection criteria is needed. However the program application packet has been revised to clarify that in establishing the link between their professional development activities and increased student achievement, applicants are expected to describe whatever data sources they have relied upon during this multi-year period to measure student achievement.

Changes: None.

Comment: One commenter stressed (1) the special circumstances of schools with small, rural underserved populations including those that serve Indian students, and (2) these schools' resource limitations and relative inexperience in grant writing. The commenter recommended that the criteria for the National Awards Program permit applications from Native American schools, charter schools, and rural schools to be separated from those from other schools.

Discussion: We are aware of the significant challenges faced by many schools in rural areas, including those that serve Indian students. However, for all students in the nation to achieve to their potential, the Principles of Professional Development that the Department developed in collaboration with the education and research communities must be the same for all schools and school districts regardless of their circumstances or geographic location. Similarly, the criteria under which any school or school district would be recognized for how well it has aligned its professional development

activities with those principles—the basis for recognition under the National Awards Program—must be the same for all applicants.

We have worked to implement procedures that can ensure that those selected for national recognition earn this recognition because of the quality of their professional development activities rather than the quality of their grant writing. The key to a successful application is specific information that demonstrates that a school's or school district's professional development activities are aligned with each of the research-based Principles of Professional Development. The Department developed this statement of principles in 1995 in collaboration with the education community, and they are included in the application packet. The program selection criteria and application instructions have been crafted so that those classroom teachers and others most familiar with a school or district's professional development activities can prepare the application. Moreover, teams of experts conduct on-site examinations of many applicants to ensure that those whom the Secretary would recognize under the National Awards Program earn this recognition because of the work of their teachers, school leaders, and other staff, and not because of the quality of their written applications.

Since the program's inception, the Secretary has recognized urban and rural schools and school districts throughout the nation—including an Indian school in Arizona. (Profiles of this and other past recipients of recognition under the National Awards Program are available through the Internet at <http://www.ed.gov/inits/teachers/research.html>.) We are confident that this fact validates our insistence that all schools and school districts that seek recognition under the National Awards Program meet the same high standards for the quality of their professional development activities.

Changes: None.

Eligibility and Selection Criteria

Eligible Applicants

As with previous years' programs, eligible applicants are schools and school districts in the States (including schools located on Indian reservations, and in the District of Columbia, Puerto Rico, and the outlying areas) that provide educational programs at the pre-kindergarten through twelfth grade levels.

Selection Criteria

For reasons stated in the July 28, 1999 Notice of Proposed Eligibility and Selection Criteria, the eligibility and application selection criteria and selection procedures for the FY 2000 and future year competitions are the same as those published in the **Federal Register** on October 30, 1997 (59 FR 63773), subject to the following three changes:

1. Criterion D ("Objective Evidence of Success") includes additional language requiring applicants to provide and discuss data that indicate the connection between needs assessments, improvement plans, professional development activities, and teacher and student outcomes. In addition, in order to confirm that student achievement has increased, the data that applicants provide on student achievement must reflect multiple measures and cover a period of three years or more.

2. A school that applies for national recognition must apply on its own or as part of its LEA's application. A school may not apply through both applications. Should the Department receive an application from a school and the LEA in which the school is located, it will review only the LEA's application.

3. Those applying for National Awards Program recognition must certify that there are no outstanding findings of violations of IDEA in a Department monitoring report or, if findings do exist, the findings either have been corrected or are subject to an agreement for corrective action.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight

National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These eligibility and selection criteria address the National Education Goal that the Nation's teaching force will have the content knowledge and teaching skills needed to instruct all American students for the next century.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. The procedures and requirements contained in this notice relate to the content of an application packet that the Department has developed under the three National Awards program for Model Professional Development. The public may obtain copies of these packets by calling or writing the individuals identified at the beginning of this notice as the Department's contact, or through the Department's website: <http://www.ed.gov/offices/OPE/heatqp/index.html>.

As required by the Paperwork Reduction Act, the Office of Management and Budget has approved the use of these application packets, and the selection criteria announced in this notice, under the following OMB control number 1880-0534, which expires September 30, 2002.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the

Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document is intended to provide early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may review this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

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<http://www.access.gpo.gov/nara/index.html>.

Program Authority: 20 U.S.C. 8001.

Dated: October 13, 1999.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 99-27094 Filed 10-13-99; 3:55 pm]

BILLING CODE 4000-01-U

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- The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.
- H.R. 2084/P.L. 106-69**
Department of Transportation and Related Agencies Appropriations Act, 2000 (Oct. 9, 1999; 113 Stat. 986)
- S. 1606/P.L. 106-70**
To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted. (Oct. 9, 1999; 113 Stat. 1031)
- S. 249/P.L. 106-71**
Missing, Exploited, and Runaway Children Protection Act (Oct. 12, 1999; 113 Stat. 1032)
- Last List October 8, 1999**
-
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1, 2 (2 Reserved)	(869-034-00001-1)	5.00	⁵ Jan. 1, 1999
3 (1997 Compilation and Parts 100 and 101)	(869-038-00002-4)	20.00	¹ Jan. 1, 1999
4	(869-034-00003-7)	7.00	⁵ Jan. 1, 1999
5 Parts:			
1-699	(869-038-00004-1)	37.00	Jan. 1, 1999
700-1199	(869-038-00005-9)	27.00	Jan. 1, 1999
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§§ 1.0-1.60	(869-038-00077-6)	27.00	Apr. 1, 1999
§§ 1.61-1.169	(869-038-00078-4)	50.00	Apr. 1, 1999
§§ 1.170-1.300	(869-038-00079-2)	34.00	Apr. 1, 1999
§§ 1.301-1.400	(869-038-00080-6)	25.00	Apr. 1, 1999
§§ 1.401-1.440	(869-038-00081-4)	43.00	Apr. 1, 1999
§§ 1.441-1.500	(869-038-00082-2)	30.00	Apr. 1, 1999
§§ 1.501-1.640	(869-038-00083-1)	27.00	⁷ Apr. 1, 1999
§§ 1.641-1.850	(869-038-00084-9)	35.00	Apr. 1, 1999
§§ 1.851-1.907	(869-038-00085-7)	40.00	Apr. 1, 1999
§§ 1.908-1.1000	(869-038-00086-5)	38.00	Apr. 1, 1999
§§ 1.1001-1.1400	(869-038-00087-3)	40.00	Apr. 1, 1999
§§ 1.1401-End	(869-038-00088-1)	55.00	Apr. 1, 1999
2-29	(869-038-00089-0)	39.00	Apr. 1, 1999
30-39	(869-038-00090-3)	28.00	Apr. 1, 1999
40-49	(869-038-00091-1)	17.00	Apr. 1, 1999
50-299	(869-038-00092-0)	21.00	Apr. 1, 1999
300-499	(869-038-00093-8)	37.00	Apr. 1, 1999
500-599	(869-038-00094-6)	11.00	Apr. 1, 1999
600-End	(869-038-00095-4)	11.00	Apr. 1, 1999
27 Parts:			
1-199	(869-038-00096-2)	53.00	Apr. 1, 1999

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
200-End	(869-038-00097-1)	17.00	Apr. 1, 1999	266-299	(869-034-00151-3)	30.00	July 1, 1998
28 Parts:				300-399	(869-034-00152-1)	26.00	July 1, 1998
*0-42	(869-034-00098-9)	39.00	July 1, 1999	400-424	(869-034-00153-0)	33.00	July 1, 1998
43-end	(869-034-00099-7)	32.00	July 1, 1999	425-699	(869-034-00154-8)	42.00	July 1, 1998
29 Parts:				700-789	(869-034-00155-6)	41.00	July 1, 1998
0-99	(869-034-00100-4)	28.00	July 1, 1999	790-End	(869-034-00156-4)	22.00	July 1, 1998
100-499	(869-038-00101-2)	13.00	July 1, 1999	41 Chapters:			
500-899	(869-034-00102-1)	40.00	⁸ July 1, 1999	1, 1-1 to 1-10		13.00	³ July 1, 1984
900-1899	(869-034-00103-3)	20.00	July 1, 1998	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1900-1910 (§§ 1900 to 1910.999)	(869-034-00104-7)	46.00	July 1, 1999	3-6		14.00	³ July 1, 1984
1910 (§§ 1910.1000 to end)	(869-034-00105-5)	28.00	July 1, 1999	7		6.00	³ July 1, 1984
1911-1925	(869-034-00106-3)	18.00	July 1, 1999	8		4.50	³ July 1, 1984
1926	(869-034-00107-1)	30.00	July 1, 1999	9		13.00	³ July 1, 1984
1927-End	(869-034-00108-0)	43.00	July 1, 1999	10-17		9.50	³ July 1, 1984
30 Parts:				18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
1-199	(869-034-00109-8)	35.00	July 1, 1999	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
200-699	(869-038-00110-1)	30.00	July 1, 1999	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
700-End	(869-034-00111-0)	35.00	July 1, 1999	19-100		13.00	³ July 1, 1984
31 Parts:				1-100	(869-034-00157-2)	13.00	July 1, 1998
0-199	(869-038-00112-8)	21.00	July 1, 1999	101	(869-034-00159-4)	39.00	July 1, 1999
200-End	(869-034-00113-1)	46.00	July 1, 1998	102-200	(869-034-00160-8)	16.00	July 1, 1999
32 Parts:				201-End	(869-034-00161-6)	15.00	July 1, 1999
1-39, Vol. I		15.00	² July 1, 1984	42 Parts:			
1-39, Vol. II		19.00	² July 1, 1984	1-399	(869-034-00161-1)	34.00	Oct. 1, 1998
1-39, Vol. III		18.00	² July 1, 1984	400-429	(869-034-00162-9)	41.00	Oct. 1, 1998
1-190	(869-034-00114-4)	46.00	July 1, 1999	430-End	(869-034-00163-7)	51.00	Oct. 1, 1998
191-399	(869-034-00115-7)	51.00	July 1, 1998	43 Parts:			
400-629	(869-034-00116-1)	32.00	July 1, 1999	1-999	(869-034-00164-5)	30.00	Oct. 1, 1998
630-699	(869-034-00117-9)	23.00	July 1, 1999	1000-end	(869-034-00165-3)	48.00	Oct. 1, 1998
*700-799	(869-034-00118-7)	27.00	July 1, 1999	44	(869-034-00166-1)	48.00	Oct. 1, 1998
800-End	(869-034-00119-5)	27.00	July 1, 1999	45 Parts:			
33 Parts:				1-199	(869-034-00167-0)	30.00	Oct. 1, 1998
1-124	(869-034-00120-3)	29.00	July 1, 1998	200-499	(869-034-00168-8)	14.00	Oct. 1, 1998
*125-199	(869-034-00121-7)	41.00	July 1, 1999	500-1199	(869-034-00169-6)	30.00	Oct. 1, 1998
*200-End	(869-034-00122-5)	33.00	July 1, 1999	1200-End	(869-034-00170-0)	39.00	Oct. 1, 1998
34 Parts:				46 Parts:			
1-299	(869-034-00123-8)	27.00	July 1, 1998	1-40	(869-034-00171-8)	26.00	Oct. 1, 1998
300-399	(869-034-00124-1)	25.00	July 1, 1999	41-69	(869-034-00172-6)	21.00	Oct. 1, 1998
400-End	(869-034-00125-4)	44.00	July 1, 1998	70-89	(869-034-00173-4)	8.00	Oct. 1, 1998
35	(869-034-00126-2)	14.00	July 1, 1998	90-139	(869-034-00174-2)	26.00	Oct. 1, 1998
36 Parts:				140-155	(869-034-00175-1)	14.00	Oct. 1, 1998
1-199	(869-034-00127-6)	21.00	July 1, 1999	156-165	(869-034-00176-9)	19.00	Oct. 1, 1998
200-299	(869-034-00128-9)	21.00	July 1, 1998	166-199	(869-034-00177-7)	25.00	Oct. 1, 1998
300-End	(869-034-00129-2)	38.00	July 1, 1999	200-499	(869-034-00178-5)	22.00	Oct. 1, 1998
37	(869-034-00130-1)	27.00	July 1, 1998	500-End	(869-034-00179-3)	16.00	Oct. 1, 1998
38 Parts:				47 Parts:			
0-17	(869-034-00131-9)	34.00	July 1, 1998	0-19	(869-034-00180-7)	36.00	Oct. 1, 1998
18-End	(869-034-00132-2)	41.00	July 1, 1999	20-39	(869-034-00181-5)	27.00	Oct. 1, 1998
39	(869-034-00133-1)	24.00	July 1, 1999	40-69	(869-034-00182-3)	24.00	Oct. 1, 1998
40 Parts:				70-79	(869-034-00183-1)	37.00	Oct. 1, 1998
*1-49	(869-034-00134-9)	33.00	July 1, 1999	80-End	(869-034-00184-0)	40.00	Oct. 1, 1998
*50-51	(869-034-00135-7)	25.00	July 1, 1999	48 Chapters:			
52 (52.01-52.1018)	(869-034-00136-0)	28.00	July 1, 1998	1 (Parts 1-51)	(869-034-00185-8)	51.00	Oct. 1, 1998
52 (52.1019-End)	(869-034-00137-8)	33.00	July 1, 1998	1 (Parts 52-99)	(869-034-00186-6)	29.00	Oct. 1, 1998
53-59	(869-034-00138-6)	17.00	July 1, 1998	2 (Parts 201-299)	(869-034-00187-4)	34.00	Oct. 1, 1998
60	(869-034-00139-4)	53.00	July 1, 1998	3-6	(869-034-00188-2)	29.00	Oct. 1, 1998
61-62	(869-034-00140-3)	19.00	July 1, 1999	7-14	(869-034-00189-1)	32.00	Oct. 1, 1998
63	(869-034-00141-6)	57.00	July 1, 1998	15-28	(869-034-00190-4)	33.00	Oct. 1, 1998
64-71	(869-034-00143-8)	11.00	July 1, 1999	29-End	(869-034-00191-2)	24.00	Oct. 1, 1998
72-80	(869-034-00143-2)	36.00	July 1, 1998	49 Parts:			
81-85	(869-034-00144-1)	31.00	July 1, 1998	1-99	(869-034-00192-1)	31.00	Oct. 1, 1998
86	(869-034-00144-9)	53.00	July 1, 1998	100-185	(869-034-00193-9)	50.00	Oct. 1, 1998
87-135	(869-034-00146-7)	47.00	July 1, 1998	186-199	(869-034-00194-7)	11.00	Oct. 1, 1998
136-149	(869-034-00147-5)	37.00	July 1, 1998	200-399	(869-034-00195-5)	46.00	Oct. 1, 1998
150-189	(869-034-00148-3)	34.00	July 1, 1998	400-999	(869-034-00196-3)	54.00	Oct. 1, 1998
190-259	(869-034-00150-1)	23.00	July 1, 1999	1000-1199	(869-034-00197-1)	17.00	Oct. 1, 1998
260-265	(869-034-00150-9)	29.00	July 1, 1998	1200-End	(869-034-00198-0)	13.00	Oct. 1, 1998
				50 Parts:			
				1-199	(869-034-00199-8)	42.00	Oct. 1, 1998
				200-599	(869-034-00200-5)	22.00	Oct. 1, 1998
				600-End	(869-034-00201-3)	33.00	Oct. 1, 1998

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CFR Index and Findings			
Aids	(869-038-00047-4)	48.00	Jan. 1, 1999
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁵ No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

⁷ No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 1998, through July 1, 1999. The CFR volume issued as of July 1, 1998, should be retained.