

(vi) A performance-based payment schedule that is routine with minimal risk.

(e) *Costs financed.*

(1) Costs financed equal total costs multiplied by the portion (percent) of costs financed by the contractor.

(2) Total costs equal Block 20 (i.e., all allowable costs, including general and administrative and independent research and development/bid and proposal, but excluding facilities capital cost of money), reduced as appropriate when—

(i) The contractor has little cash investment (e.g., subcontractor progress payments liquidated late in period of performance);

(ii) Some costs are covered by special financing provisions, such as advance payments; or

(iii) The contract is multiyear and there are special funding arrangements.

(3) The portion that the contractor finances is generally the portion not covered by progress payments, i.e., 100 percent minus the customary progress payment rate (see FAR 32.501). For example, if a contractor receives progress payments at 75 percent, the portion that the contractor finances is 25 percent. On contracts that provide progress payments to small businesses, use the customary progress payment rate for large businesses.

\* \* \* \* \*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 601

#### Responsibilities of the Administrator

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Transit Administration (FTA) is amending 49 CFR Part 601 to make express that the Deputy Administrator serves as the Administrator's "first assistant" within the meaning of the Federal Vacancies Reform Act of 1998 and thus serves as the Acting Administrator when the Administrator's position is vacant.  
**EFFECTIVE DATE:** November 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth A.S. Martineau, Office of Chief Counsel, Federal Transit Administration, Room 9316, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-1936.

**SUPPLEMENTARY INFORMATION:** This rule amends 49 CFR section 601.4 to provide that the Deputy Administrator is the Administrator's "first assistant" for purposes of the Federal Vacancies Reform Act of 1998 (Pub. L. 105-277) and to delete references to agency officials who shall perform the duties of the Administrator in the absence or disability of the "first assistant" and to, instead, refer to the internal FTA order on succession of authority. This rule does not impose substantive requirements; it simply updates the Code of Federal to conform FTA's organizational provisions to the Federal Vacancies Reform Act to 1998, which alters the way in which vacancies in presidentially appointed, Senate-conformed offices within the executive branch may be filled on a temporary basis.

This final rule is ministerial in nature and relates only to agency management, organization, procedure, and practice and is not a regulation or rule for the purposes of Executive Order No. 12866. Therefore, the FTA has determined that notice and comment are unnecessary and that the rule is exempt for prior notice and comment requirements under 5 U.S.C. 553(b)(3)(A). These changes will not have substantive impact and FTA does not expect to receive substantive comments on the rule. Therefore, FTA finds that there is good cause under 5 U.S.C. 553(d)(3) to make this rule effective less than 30 days after publication in the **Federal Register**.

#### Regulatory Analyses and Notices

FTA has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no costs associated with this rule. FTA certifies that this rule will not have a significant economic impact on a substantial number of small entities. FTA does not believe that there are sufficient federalism implications to warrant the preparation of a federalism assessment.

#### Paper Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Unfunded Mandates Reform Act of 1995

FTA has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

#### List of Subjects in 49 CFR Part 601

Authority delegations (Government agencies), Organization and functions (Government agencies).

For the reasons set forth in the preamble, the Federal Transit Administration amends 49 CFR Part 601 as follows:

#### PART 601—[Amended]

1. The authority citation for Part 601 is revised to read as follows:

**Authority:** 49 U.S.C. 1657, 1659; Reorganization Plan No. 2 of 1968 (82 Stat. 1369); 49 CFR 1.51.

2. Revise section 601.4 to read as follows:

#### § 601.4 Responsibilities of the Administrator.

The Administrator is responsible for the planning, direction, and control of the activities of FTA and has authority to approve urban mass transportation grants, loans, and contracts. The Deputy Administrator is the "first assistant" for purposes of the Federal Vacancies Reform Act of 1998 (Pub. L. 105-277) and shall, in the event of the absence or disability of the Administrator, serve as the Acting Administrator, subject to the limitations in that Act. In the event of the absence or disability of both the Administrator and the Deputy Administrator, officials designated by the agency's internal order on succession shall serve as Acting Deputy Administrator and shall perform the duties of the Administrator, except for any non-delegable statutory and/or regulatory duties.

Issued on: October 29, 1999.

**Gordon J. Linton,**  
Administrator.

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