

(b) The Chairman may order a termination of the test period, if he determines, in his sole and absolute discretion, that applicant tribe or person, the manufacturer or developer of the game or the licensed gaming operation has not complied with the terms and conditions of the testing period or if he determines that the game is not Class II.

**§ 504.11 What is required of a tribe or person who merely seeks a modification of a game which is already the subject of a classification decision?**

A tribe or person shall submit a request for a classification decision on the game which is subject to the modifications by providing a detailed description of the modification and how the modification affects the game. A person shall also submit a letter, signed by an authorized tribal official, indicating that the tribe sponsors the person's application for a modification.

**§ 504.12 Must a tribe or person seek a classification decision on a game which it alleges is a game of skill?**

A tribe or person shall follow the same process for receiving a classification decision as is used for other games in this part.

**§ 504.13 Is there an opportunity for public comment on a request for a gaming classification before a decision is made by the Chairman?**

The Commission will include on its Internet site and its telephonic fax-on-demand documents a listing of games for which it is considering a classification. Games will appear on this listing for thirty (30) days whenever practicable. Any individual may request a description of a particular game from the Commission during this period and offer written comment which will then be considered by the Chairman before a classification decision is reached on that particular game.

**§ 504.14 How does a tribe or person appeal a classification decision with which it does not agree?**

(a) Within 30 days of service of a classification decision, a tribe or person sponsored by a tribe may appeal a classification decision under this part by filing:

(1) A notice of appeal with the Commission; and  
(2) A statement and any supporting materials specifying why the appellant believes the classification decision to be erroneous.

(b) Failure to file an appeal within the time provided by this section shall result in a waiver of the opportunity for an appeal.

(c) Within 60 days of receipt of the appeal when practicable, the Commission shall review the file used to make the initial classification decision and any material submitted in the appeal and issue a decision.

**§ 504.15 Will the tribe or person have an opportunity to demonstrate its game to the Commission?**

In addition to any demonstration requested during the initial classification decision process, the Commission may request a demonstration of the game during its review of the record on appeal.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-106527-98]

RIN 1545-AW22

#### Capital Gains, Partnership, Subchapter S and Trust Provisions; 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 1(h) relating to sales or exchanges of interests in partnerships, S corporations, and trusts.

DATES: The public hearing originally scheduled for Thursday, November 18, 1999, at 1 p.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 Monday, August 9, 1999, (64 FR 43117), announced that a public hearing was scheduled for Thursday, November 18, 1999, at 1 p.m., in room 3411, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 1(h) of the Internal Revenue Code. The public comment period for these proposed regulations expires on Monday, November 8, 1999. The outlines of topics to be addressed at the hearing

were due on Thursday, October 28, 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 Tuesday, November 2, 1999, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, November 18, 1999, is cancelled.

**Cynthia Grigsby,**

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

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2700

#### Procedural Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Mine Safety and Health Review Commission proposes to amend its procedural rules by adding a new rule setting forth settlement procedures which are intended to facilitate and promote the pre-hearing settlement of contested cases that come before the Commission. The new procedures would be instituted as a pilot program for a two-year trial period.

DATES: Comments must be received by December 10, 1999.

ADDRESSES: All comments concerning these proposed rules should be addressed to Norman M. Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. For the convenience of persons who will be reviewing the comments, it is requested that commenters provide an original and three copies of their comments.

FOR FURTHER INFORMATION CONTACT: Norman M. Gleichman, General Counsel, 202-653-5610 (202-653-2673 for TDD relay). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

#### I. Background

The Commission's Procedural Rules, 29 CFR Part 2700, are currently silent regarding procedures to be utilized by administrative law judges ("ALJs") to facilitate the settlement of contested cases. The procedures used in a given case to foster pre-hearing settlement of