

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 99-NM-270-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A116, Revision 01, dated October 11, 1999; except for those airplanes on which the modification specified in McDonnell Douglas Service Bulletin MD11-24-116, dated May 14, 1997, has been accomplished; 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 (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 wire chafing of the control panel of the auxiliary power unit (APU) and resultant arcing due to insufficient clearance between the wire bundles and the airplane structure, which could result in smoke and fire in the flight deck, accomplish the following:

Inspection

(a) Within 12 months after the effective date of this AD, perform a general visual inspection of wiring behind the control panel of the APU to detect chafing, in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A116, Revision 01, dated October 11, 1999.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) If no chafing is found, prior to further flight, accomplish the requirements of paragraph (b) of this AD.

(2) If any chafing is found, prior to further flight, repair in accordance with the service bulletin and accomplish the requirements of paragraph (b) of this AD.

Modification

(b) Modify the wiring behind the APU control panel (i.e., install sleeving and fiber tying tape over wires) in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A116, Revision 01, dated October 11, 1999.

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, Los Angeles 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, Los Angeles ACO.

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

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-777]

RIN 1218-AB36

Ergonomics Program

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Proposed rule; extension of public comment period; rescheduling of informal public hearing; additional information and clarifications.

SUMMARY: OSHA is extending the public comment period for its proposed Ergonomics Program standard to provide the public an additional thirty (30) days to submit comments on the proposed standard. The Agency is also rescheduling the informal public hearing on the proposed rule and is extending the deadline for hearing participants to submit their hearing testimony and documentary evidence. OSHA is also using this document to provide the public with additional information and to clarify materials and data that were discussed in the preamble to the proposed standard as published in the **Federal Register** on November 23, 1999.

DATES: *Written Comments:* Written comments, including materials such as studies and journal articles, must be postmarked by March 2, 2000. If you submit comments by facsimile or electronically through OSHA's Internet site, you must transmit those comments by March 2, 2000.

Informal Public Hearing: The hearing in Washington, DC, will begin at 9:30 a.m., March 13, 2000, at the Francis Perkins Building, 200 Constitution Avenue, Washington, D.C. 20210. The hearing in Washington is scheduled to run for 4 weeks and to continue in Chicago, IL beginning April 11, 2000. We will provide dates, times, and locations for the continuation of the

hearing at another location in a supplemental **Federal Register** document.

Notice of Intention To Appear at the Informal Public Hearing: Notices of intention to appear at the informal public hearing were required to have been postmarked by January 24, 2000. If the rescheduling of the hearings makes it necessary for you to change your requested hearing location or to substitute a witness, you may do so by submitting an amendment to your notice of intention to appear, postmarked no later than February 14, 2000, to Ms. Veneta Chatmon at the address listed below.

Hearing Testimony and Documentary Evidence: If you will be requesting more than 10 minutes for your presentation, or if you will be submitting documentary evidence at the hearing, you must submit the full testimony and all documentary evidence you intend to present at the hearing, postmarked by March 2, 2000.

ADDRESSES: Written Comments: Mail: Submit duplicate copies of written comments to: OSHA Docket Office, Docket No. S-777, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-2625, Washington, DC 20210. Telephone: (202) 693-2350.

Facsimile: If your written comments are 10 pages or less, you may fax them to the OSHA Docket Office. The Docket Office fax number is (202) 693-1648.

Electronic: You may also submit comments electronically through OSHA's Homepage at www.osha.gov. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit them separately in duplicate to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, you must clearly identify your electronic comments by name, date, and subject, so that we can attach them to your electronic comments.

Amended Notices of Intention To Appear: Mail: If the rescheduling of the hearings makes it necessary for you to change your requested hearing location or substitute a witness, you may do so by submitting an amendment to your notice of intention to appear at the informal public hearing. The amendment must be postmarked by February 14, 2000, and be sent to: Ms. Veneta Chatmon, OSHA Office of Public Affairs, Docket No. S-777, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3647, Washington, DC 20210. Telephone: (202) 693-2119.

Facsimile: You may fax your amendment to your notice of intention to appear to Ms. Chatmon at (202) 693-1634, no later than February 14, 2000.

Electronic: You may also submit your amendment to your notice of intention to appear electronically through OSHA's Homepage at www.osha.gov. no later than February 14, 2000.

Hearing Testimony and Documentary Evidence: You must submit in quadruplicate your hearing testimony and the documentary evidence you intend to present at the informal public hearing to Ms. Chatmon at the address above. You may also submit your hearing testimony and documentary evidence on disk (3½ inch) in WordPerfect 5.1, 6.0, 6.1, or 8.0, or ASCII, provided that you also send the original hard copy at the same time.

Informal Public Hearing: The informal public hearing to be held in Washington, DC, will be located in the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. The hearing will continue in Chicago, IL on April 11–21 and will subsequently continue at another location. Time and location for the regional hearings will be announced in a later **Federal Register**.

FOR FURTHER INFORMATION CONTACT: OSHA's Ergonomics Team at (202) 693-2116, or visit the OSHA Homepage at www.osha.gov.

SUPPLEMENTARY INFORMATION:

Background

OSHA published its proposed Ergonomics Program standard in the **Federal Register** on November 23, 1999 (64 FR 65768). In that notice of proposed rulemaking, we provided the public with 70 days to submit written comments, extending through February 1, 2000. We also scheduled an informal public hearing beginning in Washington, DC, on February 22, 2000, continuing in Portland, OR on March 21–31, 2000, and in Chicago, IL, from April 11–21, 2000. Notices of intention to appear at these hearings were due on January 24, 2000, and hearing testimony and documentary evidence were due on February 1, 2000. OSHA is only extending the comment period; notices of intention to appear may be amended only if the rescheduling of the hearings makes it necessary to change your requested hearing location or to substitute a witness.

Comment Period and Informal Public Hearing

Many interested persons have requested that we provide them with additional time to submit written

comments and that we reschedule the hearings to allow additional time to submit documentary evidence and prepare testimony. OSHA believes that the time periods established in the notice of proposed rulemaking provided the public with adequate time to review the proposed standard and prepare comments, evidence, and testimony for the hearings. In light of the interest expressed by the public, however, we have decided to provide an additional thirty (30) days for these submittals. Accordingly, written comments, hearing testimony, and documentary evidence must now be submitted by March 2, 2000. The informal public hearing in Washington, DC is now scheduled to begin on March 13, 2000. Except for the change in dates, please refer to Section XV of the preamble to the proposed rule (Public Participation—Notice of Hearing) for information on how to participate in the public comment period and the informal public hearing (64 FR at 66064–66066). If the rescheduling of the hearing makes it necessary for you to substitute a witness or change the location at which you wish to testify, you may file an amendment of your notice of intention to appear indicating the necessary changes. Such amendment must be submitted by February 14, 2000.

Additional Information and Clarifications

In addition, we are taking this opportunity to clarify that OSHA is relying on the evidence and data in Section D of the Preliminary Risk Assessment, including the data shown in Appendix VI-B, for its estimates of the effectiveness of ergonomics program interventions. 64 FR 65943-65975. This evidence is relevant both to the risk assessment and the economic analysis. Accordingly, we are clarifying that a statement made in Section VIII of the preamble, Summary of the Preliminary Economic Analysis and Regulatory Flexibility Analysis (PEA/RFA) (64 FR 66002), is incorrect. That statement is “A review of 88 studies of ergonomics program interventions showed that they reduced MSDs by an average of 67 percent (the median effectiveness rate for these studies was 64 percent).” The correct statement is “A review of 80 studies of ergonomics program interventions showed that they reduced MSDs by an average of 73 percent (the median effectiveness rate for these studies was 76 percent).” The corrected statement reflects the same result reported in the Preliminary Risk Assessment at 64 FR 65948 and is based on data from the intervention studies presented in Appendix VI-B of the

preamble to the proposal (64 FR 65954–65975). We have placed in the docket a table identifying, by first author's name and exhibit number, the 80 studies in Table VI–B that were used to calculate the percentage reduction in total MSDs (Exhibit 26–1643). This table also identifies the studies used to derive other measures of program effectiveness, *i.e.*, the percent reduction in lost workday MSDs, the reduction in the number of workers' compensation claims, and the reduction in workers' compensation costs. In all, as noted in the Preliminary Risk Assessment, there are a total of 92 case studies providing quantitative evidence on one or more of these measures of the effectiveness of ergonomic program interventions in reducing MSDs. 64 FR 65948.

The reference to 88 studies at 64 FR 66002 and the associated information in Table IV–1 of the full economic analysis (Ex. 28–1) were included inadvertently as the result of an editorial error: the failure to update these references to reflect the final results reported in the Preliminary Risk Assessment. These references reflected an interim analysis of a contractor-provided database of case studies that had not yet undergone OSHA quality control reviews.

Although OSHA is not relying on these materials in any way, in the event members of the public may be interested, OSHA is placing in the record two exhibits relevant to its interim analysis. Exhibit 26–1645 is the contractor-provided database of case studies on which OSHA based the interim analysis. Exhibit 26–1644 is a reconstruction, to the extent possible, of the interim analysis.

In sum, OSHA is providing this additional information to make clear that the Agency is relying on the evidence and data discussed in the Preliminary Risk Assessment, including Appendix VI–B, as the basis for its estimate of the effectiveness of ergonomic programs. This evidence is relevant both to the risk assessment and the economic analysis. OSHA is not relying on the statement referring to the 88 studies (64 FR 66002) or the information in Table IV–1 of the preliminary economic analysis (Exhibit 28–1, Chapter IV, pp. 747–748). OSHA notes that this clarification has no effect on OSHA's bottom line estimate that ergonomics programs similar to the one OSHA has proposed will achieve, on average, a 50 percent reduction in the incidence of musculoskeletal disorders. This estimate of effectiveness is substantially below the median and mean reductions projected by the Preliminary Risk Assessment (64 FR

65948) and by the statement on 64 FR 66002.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U. S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 6–96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 27th day of January, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–2200 Filed 1–28–00; 10:01 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Contracts under the Indian Self-Determination Act Removal of Regulations

AGENCY: Indian Health Service, HHS.

ACTION: Proposed Rule.

SUMMARY: The Indian Health Service (IHS) is proposing the elimination of 42 CFR part 36, subpart I, as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations.

DATES: Comments must be received on or before April 3, 2000.

ADDRESSES: Comments may be sent to Betty J. Penn, Regulations Officer, Indian Health Service, 12300 Twinbrook Parkway, Suite 450, Rockville, Maryland 20852; e-mailed to bPenn@hqie.IHS.gov; faxed to 301/443–2316; or hand delivered to the above address. Comments will be available for inspection at the above address from 9:00 a.m. through 4:00 p.m. Monday through Friday, beginning approximately 2 weeks after publication of this document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Leslie M. Morris, Director, Division of Regulatory and Legal Affairs, at Suite 450, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone: (301) 443–1116. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 24, 1996, the Department of Health and Human Services (HHS) and the Department of the Interior (DOI) issued joint regulations authorized by section

107 of the Indian Self-Determination and Education Assistance Act (ISDA), Public Law 93–638, as amended, 25 U.S.C. 450k. These joint regulations, published in the **Federal Register** on June 24, 1996, and codified at CFR part 900, replaced Department regulations codified at 42 CFR part 36, subpart I, "Contracts under the ISDA"; 48 CFR section 352.280–4, "Contracts awarded under the ISDA"; 48 CFR 352.380–4, "Contracts awarded under the ISDA"; and 48 CFR subpart 380.4, "Contracts awarded under the ISDA," because they are no longer necessary for the Administration of the IHS Programs.

Section 107(b) of the ISDA provides in pertinent part that "the secretary is authorized to repeal any regulation inconsistent with the provisions of this act." The HHS has proposed at 64 FR 1344 to revise 48 CFR, Chapter 3, to streamline and simplify its acquisition regulations (HHSRA) in accordance with the directions of the National Performance Review. In so doing, the sections of 48 CFR eliminated by the joint rule (25 CFR part 900) issued by the HHS and the DOI would be removed. Therefore, this document proposes to eliminate only subpart I of 42 CFR part 36.

Publication of this proposed rule by the HHS provides the public and opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding this proposed rule to the location identified in the addresses section of this document.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget. It proposes only to remove obsolete regulations.

Regulatory Flexibility Act

The HHS certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act since it only proposes to remove obsolete regulations.

Executive Order 12612

The Department has determined that this rule does not have significant Federalism effects because it pertains solely to Federal-Tribal relations and will not interfere with the roles, rights, and responsibilities of States.

Paperwork Reduction Act of 1995

This regulation contains no information collection requirement that