determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Because DOE is not required by the Administrative Procedure Act (5 U.S.C. 553) or any other law to propose the rule for public comment, DOE did not prepare a regulatory flexibility analysis for this rule.

D. Review Under the Paperwork Reduction Act

No new collection of information is imposed by this interim final rule. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions that would not individually or cumulatively have a significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Specifically, this rule deals only with administrative procedures regarding retaliation protection for employees of DOE contractors and subcontractors, and, therefore, is covered under the Categorical Exclusion in paragraph A6 to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policy making discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each federal agency to prepare a written assessment of the effects of any federal mandate in a proposed or final rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a federal agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect them. This interim final rule does not contain any federal mandate, so these requirements do not apply.

H. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

List of Subjects in 10 CFR Part 708

Administrative practice and procedure, Energy, Fraud, Government contracts, Occupational Safety and Health, Whistleblowing.

Issued in Washington, on February 1, 2000.

George B. Breznay,

Director, Office of Hearings and Appeals.

Accordingly, the interim rule amending 10 CFR part 708 which was published at 64 FR 12862 on March 15, 1999, and amended at 64 FR 37396 on July 12, 1999, is adopted as a final rule with the following changes:

PART 708—[AMENDED]

1. The authority citation for part 708 continues to read as follows:

Authority: 42 U.S.C. 2201(b), 2201(c), 2201(i) and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

2. Section 708.5(a) (introductory text) is revised to read as follows:

§ 708.5 What employee conduct is protected from retaliation by an employer?

* * * * *

(a) Disclosing to a DOE official, a member of Congress, any other government official who has responsibility for the oversight of the conduct of operations at a DOE site, your employer, or any higher tier contractor, information that you reasonably believe reveals—

* * * * *

3. Section 708.6(a) is revised to read as follows:

§ 708.6 What constitutes ''a reasonable fear of serious injury?''

* * * * *

(a) A reasonable person, under the circumstances that confronted the employee, would conclude there is a substantial risk of a serious accident, injury, or impairment of health or safety resulting from participation in the activity, policy, or practice; or

* * * * *

4. Section 708.15(d) is revised to read as follows:

§ 708.15 What happens if an employee files a complaint under this part and also pursues a remedy under State or other law?

* * * * *

(d) If you file a complaint under State or other applicable law after filing a complaint under this part, your complaint under this regulation will be dismissed under § 708.17(c)(3).

5. A new Section 708.40 is added as follows:

§ 708.40—Does this rule impose an affirmative duty on DOE contractors not to retaliate?

Yes. DOE contractors may not retaliate against any employee because the employee (or any person acting at the request of the employee) has taken an action listed in §§ 708.5(a)–(c).

[FR Doc. 00–2797 Filed 2–8–00; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 272

[Docket No. R–1059]

Rules of Procedure

AGENCY: Federal Open Market Committee.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Open Market Committee (''the Committee'') is

amending its Rules of Procedure to revise and expand upon the means of communication available to the Secretary of the Committee and the members regarding meetings and proposed actions between meetings. The current rules provide that such communications must be in writing or by telegram. The proposed amendments would delete telegram as an accepted means of communication and would permit communications by telephone, including facsimile transmissions, or electronic means, such as by electronic mail. The option to require written communications would be retained.

DATES: February 9, 2000.

FOR FURTHER INFORMATION CONTACT: Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division, Board of Governors of the Federal Reserve System, (202) 452–3920. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Diane Jenkins (202–452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The rules were last updated in 1979. Since that time, new and reliable, readily available methods of transmittal, such as facsimile and electronic mail, have become available while previously relied on methods, such as the telegram, are no longer used.

The proposed amendments would affect the manner in which the Secretary gives notice to members of the Committee of calls for meetings by the Chairman or requests by members for the calling of a meeting. They would also affect the means by which the Secretary transmits the relevant information and recommendations for an action to modify an outstanding Committee authorization or directive at a time when it is not feasible to call a meeting. The amendments to the rules also would permit a member to communicate with the Secretary by telephone or electronic means to request a meeting, to inform the Secretary when he or she will not be available to attend a meeting, and also to transmit his or her vote on an action proposed between meetings.

Accordingly, the Committee is amending its Rules of Procedure by changing all references to ''in writing or by telegram'' to ''in writing, by telephone, or by electronic means'' as the accepted methods of communication.

The amendments adopted by the Committee are rules of procedure. Accordingly, neither 5 U.S.C. 553(b), requiring notice and opportunity for public comment, nor the Congressional Review Act, 5 U.S.C. 801 *et seq.*, applies. In addition, the amendments are technical amendments to update the rules to reflect new methods of communication, and its prompt implementation will improve the Committee's operational efficiency without adversely affecting any other persons. Accordingly, the Committee finds good cause not to delay the effective date of the amendments pursuant to 5 U.S.C. 553(d).

List of Subjects in 12 CFR part 272

Administrative practice and procedure, Federal Open Market Committee, Organization and functions (Government agencies).

For the reasons set out in the preamble, 12 CFR part 272 is amended as set forth below:

PART 272—FEDERAL OPEN MARKET COMMITTEE—RULES OF PROCEDURE

1. The authority citation for part 272 continues to read as follows

Authority: 5 U.S.C. 552

§ 272.3 [Amended]

2. In § 272.3(a) and (b), remove the words ''in writing or by telegram'' wherever they appear and add in their place, the words ''in writing, by telephone, or electronic means.''

§ 272.4 [Amended]

3. Section 272.4(b) is amended by revising the fourth sentence to read as follows: ''All communications of recommended actions and votes under this paragraph shall be in writing, by telephone, or electronic means; if the communication is made orally, the Secretary shall cause a written record to be made without delay.''

By order of the Federal Open Market Committee, February 3, 2000.

Donald L. Kohn,

Secretary of the Committee.

[FR Doc. 00–2941 Filed 2–8–00; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–3

Amendment to Class D and Class E Airspace, Tupelo, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the name of Tupelo Municipal—C.D. Lemons Municipal Airport to Tupelo Regional Airport and changes the title of the airspace designation for the Tupelo Regional Airport located at Tupelo, MS, from Tupelo Municipal—C.D. Lemons Municipal Airport to Tupelo Regional Airport.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

The Tupelo, MS, Airport Authority has changed the name of the airport to better describe the area served. This amendment is necessary to reflect that change. The dimensions, configuration and operating requirements of the affected airspace do not change. This rule will become effective on the date specified in the **DATES** section. Since this action does not change the dimensions, configuration or operating requirements of the Class D, Class E2 or Class E5 airspace for the airport, and as a result, has no impact on users of the airspace in the vicinity of the Tupelo Regional Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Designations for class D, Class E2 and Class E5 airspace areas extending upward from 700 feet or more above the surface are published in FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) changes the name of Tupelo Municipal—C.D. Lemons Municipal Airport and changes the title of the airspace designation for the Tupelo Regional Airport located at Tupelo, MS, from Tupelo Municipal—C.D. Lemons Municipal Airport, MS, to Tupelo Regional Airport. MS.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a