

standards, simplifies procedures, reduces burden, and is clearly written. This temporary rule does not preempt any statute. We are still pursuing the TEA-21 mandated negotiated rulemaking process, and the final distribution formula may include an adjustment to account for any differences between the amounts distributed under this temporary rule and the distributions under the final formula. The temporary rule is not retroactive with respect to any funding from any previous fiscal year (or prospective to funding from any future fiscal year), but applies only to pending FY 2000 funding.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this temporary rule does not impose recordkeeping or information collection requirements or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.* We already have all of the necessary information to implement this rule.

National Environmental Policy Act

This temporary rule is categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, because its environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and the road projects funded as a result of this temporary rule will be subject later to the National Environmental Policy Act process, either collectively or case-by-case. Further, no extraordinary circumstances exist to require preparation of an environmental assessment or environmental impact statement.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of May 14, 1998, "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655) and 512 DM 2, we have evaluated any potential effects upon federally recognized Indian tribes and have determined that there are no potential adverse effects. This temporary rule is based on the Relative Need Formula, in use since 1993. We are not changing the current practice with this temporary rule. Consultation with tribal governments and tribal organizations is ongoing as part of the negotiated rulemaking process.

Comments

Our practice is to make comments, including the names and addresses of persons commenting, available for public review during regular business hours. Persons commenting as private individuals may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold from the rulemaking record a commenter'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. We will not consider anonymous comments. Comments from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

List of Subjects in 25 CFR Part 170

Indians—Highways and Roads.

For the reasons set out in the preamble, we are temporarily amending Part 170 in Chapter I of Title 25 of the Code of Federal Regulations as follows.

PART 170—ROADS OF THE BUREAU OF INDIAN AFFAIRS

1. The authority citation for part 170 continues to read as follows:

Authority: 36 Stat. 861; 78 Stat. 241, 253, 257; 45 Stat. 750 (25 U.S.C. 47; 42 U.S.C. 2000e(b), 2000e-2(i); 23 U.S.C. 101(a), 208, 308), unless otherwise noted.

2. Add § 170.4b to read as follows:

§ 170.4b What formula will you use to distribute Fiscal Year 2000 Indian Reservation Roads Funds?

From February 15, 2000 through September 30, 2000, the Secretary will distribute one-half of the Fiscal Year 2000 funds authorized under Section 1115 of the Transportation Equity Act for the 21st Century, Pub. L. 105-178, to Indian Reservation Roads and Bridges projects on or near Indian reservations under the Relative Need Formula established and approved in January 1993. (23 U.S.C. 202(d)).

Dated: February 8, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final Rule; Extension of Expiration Date.

SUMMARY: On February 19, 1999 the Occupational Safety and Health Review Commission issued a final rule amending its rules of procedure to add a new Subpart H consisting of § 2200.120 to 29 CFR. 64 FR 8243. In that section the Commission established a mandatory settlement process known as the Settlement Part as a pilot program for a one-year trial period.

In order to evaluate the Settlement Part, the Commission has concluded that it is necessary to continue the pilot program beyond the original one-year trial period. The Commission will continue to evaluate the results in order to decide whether it should establish the Settlement Part procedure on a permanent basis and whether any modifications should be made. Accordingly, the period during which Subpart H consisting of § 2200.120 is effective is extended to and including September 30, 2000.

EFFECTIVE DATE: As of February 15, 2000, the expiration date for Subpart H consisting of § 2200.120 added in the **Federal Register** of February 19, 1999 (64 FR 8246) is extended to and including September 30, 2000. After September 30, 2000, Subpart H consisting of § 2200.120 will no longer be in effect unless extended by the Commission by publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, One Lafayette Center, 1120 20th St., NW 9th Floor, Washington, DC 20036-3419, phone 202-606-5410.

Dated: February 10, 2000.

Thomasina V. Rogers,
Chairman.

Gary L. Visscher,
Commissioner.

Stuart E. Weisberg,
Commissioner.

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