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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1204

Availability of Official Information

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules regarding the availability of official information to comply with the Electronic Freedom of Information Act Amendments of 1996, to update the fee schedule, and to add a time limit to ask for review by the Board's Chairman of an action or a failure to act under this part. Certain other changes are made to update the rules on the availability of official information for the benefit of the Board's customers, for consistency, and to comply with the President's Memorandum on Plain Language in Government Writing.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: The Board previously published a notice of proposed rulemaking regarding the availability of official information to comply with the Electronic Freedom of Information Act Amendments of 1996, to update the fee schedule, and to add a time limit to ask for review by the Board's Chairman of an action or a failure to act under this part (64 FR 35952, July 2, 1999). The proposed rule requested public comments and allowed 60 days, until August 31, 1999, for receipt of such comments. No comments were received. The Board, therefore, amends its regulations implementing 5 U.S.C. 552 (the Freedom of Information Act) to accommodate the requirements of the amendments.

The Board also is updating its rules on computing and collecting fees charged requesters for services provided in processing requests for information to produce a more realistic schedule.

In addition, the Board is updating various rules to reflect changes in regional realignments of the Merit Systems Protection Board, to make other changes for consistency and grammatical reasons, and to comply with the President's Memorandum, ''Plain Language in Government Writing,'' 34 Weekly Comp. Pres. Doc. 1010 (June 1, 1998).

List of Subjects in 5 CFR Part 1204

Confidential business information, Freedom of information, Privacy.

Accordingly, the Board is revising 5 CFR part 1204 to read as follows:

PART 1204—AVAILABILITY OF OFFICIAL INFORMATION

Subpart A—Purpose and Scope

Sec.
1204.1 Purpose.
1204.2 Scope.

Subpart B—Procedures for Obtaining Records under the Freedom of Information Act

1204.11 Requests for access to Board records.
1204.12 Fees.
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Subpart C—Appeals

1204.21 Submission.
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Authority: 5 U.S.C. 552 and 1204, Pub. L. 99–570, Pub. L. 104–231, and E.O. 12600.

Subpart A—Purpose and Scope

§ 1204.1 Purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, by stating the procedures to follow when requesting information from the Board, and by stating the fees that will be charged for that information.

§ 1204.2 Scope.

(a) For the purpose of this part, the term *record* and any other term used in reference to information includes any information that would be a Board record subject to the requirements of 5 U.S.C. 552 when maintained by the Board in any format including an electronic format. All written requests for information that are not processed under part 1205 of this chapter will be processed under this part. The Board may continue, without complying with this part, to furnish the public with the information it has furnished in the regular course of performing its official duties, unless furnishing the information would violate the Privacy Act of 1974, 5 U.S.C. 552a, or another law.

(b) When the subject of the record, or the subject's representative, requests a record from a Privacy Act system of records, as that term is defined by 5 U.S.C. 552a(a)(5), and the Board retrieves the record by the subject's name or other personal identifier, the Board will handle the request under the procedures and fees shown in part 1205 of this chapter. When a third party requests access to those records, without the written consent of the subject of the record, the Board will handle the request under this part.

(c) When a party to an appeal requests a copy of a tape recording, video tape, or transcript (if one has been prepared) of a hearing that the Board or a judge held under part 1201 or part 1209 of this chapter, the Board will handle the request under § 1201.53 of this chapter. When someone other than a party to the appeal makes this request, the Board will handle the request under this part.

(d) In accordance with 5 U.S.C. 552(a)(2), the Board's final opinions and orders (including concurring and dissenting opinions), those statements of policy and interpretations adopted by the Board and that are not published in the **Federal Register**, administrative staff manuals and instructions to staff that affect a member of the public, and agency records processed and disclosed in response to a FOIA request that the Board determines have been or are likely to become the subject of additional requests for basically the same records and a general index of those records, are available for public review and copying in the Board's Headquarters' Library, 1120 Vermont Avenue NW., Washington, DC 20419–0001, and on the Board's World Wide Web site at http://www.mspb.gov.

Subpart B—Procedures for Obtaining Records Under the Freedom of Information Act

§ 1204.11 Request for access to Board records.

(a) *Sending a request.* A person may request a Board record under this part by writing to the office that has the record. If the requester believes that the records are located in a regional or field office, the request must be sent to that office. A list of the addresses of the Board's regional and field offices are in appendix II of part 1201 of this chapter and on the Board's World Wide Web site at http://www.mspb.gov. Other requests must be sent to the Clerk of the Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001. Requests sent under this part must be clearly marked ''Freedom of Information Act Request'' on both the envelope and the request.

(b) *Description.* A request must describe the records wanted in enough detail for Board employees to locate the records with no more than a reasonable effort. Wherever possible, a request must include specific information about each record, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the request asks for records on cases decided by the Board, it must show the title of the case, the MSPB docket number, and the date of the decision.

(c) *Time limits and decisions.* If a request is not properly labeled or is sent to the wrong office, the time for processing the request will begin when the proper office receives it. Requests to the Board's headquarters will be decided by the Clerk of the Board. Requests to one of the regional or field offices will be decided by the Regional Director or Chief Administrative Judge. The Board will decide a request within 20 workdays after the appropriate office receives it, except under the conditions that follow.

(1) *Extension of time.* If ''unusual circumstances'' exist, the Board may extend the time for deciding the request by no more than 10 additional workdays. An example of unusual circumstances could be the need to find and retrieve records from regional or field offices or from federal records centers or the need to search, collect and or examine a large number of records which are demanded in a single request, or the need to talk to another agency with a substantial interest in the determination of the request. When the Board extends the time to decide the request, it will inform the requester in writing and describe the ''unusual circumstances'', and it will state a date on which a decision on the request will be made. If the ''unusual circumstances'' are such that the Board cannot comply with the request within the time limit, the Board will offer the requester an opportunity:

(i) To limit the request so that it may be processed within the time limit, or

(ii) To arrange with the Board a different time frame for processing the request or a changed request.

(2) *Expedited processing.* Where a requester shows a ''compelling need'' and in other cases determined by the Board, a decision whether to provide expedited processing of a request and notification of that decision to the requester will be made within 10 workdays of the date of the request. An example of a compelling need could be that a failure to obtain the records expeditiously could reasonably be expected to be a threat to the life or physical safety of a person or that there is urgency to inform the public about actual or alleged Federal Government activity by a person primarily engaged in distributing information. Where the Board approves expeditious processing, the Board will process the request within 5 workdays from the date of the decision to grant the expeditious processing. If, in order to fully satisfy the request, the Board requires the standard or additional processing time, or if it decides that good cause for expedited processing has not been made, it will provide written notice of its decision to the requester and will inform the requester of the right to administrative and court review of the decision. A showing of a compelling need must be made by a statement certified to be true to the best of the requester's knowledge and belief.

§ 1204.12 Fees.

(a) *General.* The Board will charge the requester fees for services provided in processing requests for information. Those fees will be charged according to the schedule in paragraph (d) of this section, and will recover the full allowable direct costs that the Board incurs. Fees may be charged for time spent searching for information, even if the Board fails to locate responsive records, and even if it determines that the information is exempt from disclosure.

(b) *Definitions.* (1) The term *direct costs* means the costs to an agency for searching for and copying (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of each employee performing work at the rate of $5 per quarter hour. Overhead expenses, such as costs of space and of heating or lighting the facility in which the records are stored, are not included in direct costs.

(2) The term *search*, as defined by 5 U.S.C. 552(a)(3)(D), means either manual or automated review of Board records to locate those records asked for, and includes all time spent looking for material in response to a request, including page-by-page or line-by-line identification of material within documents. Searches will be done in the most efficient and least expensive way to limit costs for both the Board and the requester. Searches may be done manually or by computer using existing programming. The Board will make a reasonable effort to search for the records in electronic form or format, except when such effort would interfere to a large extent with the operation of the Board's automated information system.

(3) The term *duplication* means the process of copying a document or electronically maintained information in response to a FOIA request. Copies can take the form of paper, microfilm, audio-visual materials, or machine-readable documentation (e.g., magnetic tape or disk), among others. The copy provided will be in a form or format requested if the record is readily reproducible by the Board in that form or format. The Board will make a reasonable effort to maintain its records in forms or formats that are reproducible.

(4) The term *review* includes the process of examining documents to determine whether any portion of them may be exempt from disclosure under the FOIA, when the documents have been located in response to a request that is for a commercial use. The term also includes processing any documents for disclosure, e.g., doing all that is necessary to edit them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues.

(5) The term *commercial use request* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In deciding whether a requester properly belongs in this category, the Board will decide the use the requester will make of the documents requested. Also, where the Board has reasonable cause to doubt the use a requester will make of the records requested, or where that use is not clear from the request, the Board will seek additional clarification before assigning the request to a specific category.

(6) The term *educational institution* means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education that operates a program or programs of scholarly research.

(7) The term *noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis as that term is used above, and that is operated solely for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

(8) The term *representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that concerns current events or that would be of current interest to the public.

(c) *Categories of requesters.* There are four categories of FOIA requesters: Commercial use requesters; educational and noncommercial scientific institutions; representatives of the news media; and all other requesters. To be included in the category of educational and noncommercial scientific institutions, requesters must show that the request is authorized by a qualifying institution and that they are seeking the records not for a commercial use, but to further scholarly or scientific research. To be included in the news media category, a requester must meet the definition in paragraph (b)(8) of this section and the request must not be made for a commercial use. To avoid commercial use charges, requesters must show that they should be included in a category or categories other than that of commercial use requesters. The Board will decide the categories to place requesters for fee purposes. It will make these determinations based on information given by the requesters and information otherwise known to the Board.

(d) The Board will not charge a requester if the fee for any request is less that $100 (the cost to the Board of processing and collecting the fee).

(1) When the Board receives a request:

(i) From a commercial use requester, it will charge fees that recover the full direct costs for searching for the information requested, reviewing it for release at the initial request stage, reviewing it after an appeal to determine whether other exemptions not considered before the appeal apply to it, and copying it.

(ii) From an educational and noncommercial scientific institution or, to the extent copying exceeds 100 pages, from a representative of the news media, it will charge fees only for the cost of copying the requested information.

(iii) From all other requesters, to the extent copying exceeds 100 pages and search time exceeds 2 hours, it will charge fees for the full direct cost of searching for and copying requested records.

(2) When the Board reasonably believes that a requester or group of requesters is attempting to divide a request into more than one request to avoid payment of fees, the Board will combine the requests and charge fees accordingly. The Board will not combine multiple requests on unrelated subjects from one requester.

(3) When the Board decides that charges for a request are likely to exceed $250, the Board will require the requester to pay the entire fee in advance before continuing to process the request.

(4) When a requester has an outstanding fee charge or has not paid a fee on time, the Board will require the requester to pay the full amount of the estimated fee in advance before the Board begins to process a new or pending request from that requester, and before it applies administrative time limits for making a decision on the new or pending request.

(e) *Fee schedule.* (1) Fees for document searches for records will be charged at a rate of $5 per quarter hour spent by each Board employee performing the search.

(2) Fees for computer searches for records will be $5 per quarter hour spent by each employee operating the computer equipment and/or developing a new inquiry or report.

(3) Fees for review at the initial administrative level to determine whether records or portions of records are exempt from disclosure, and for review after an appeal to determine whether the records are exempt on other legal grounds, will be charged, for commercial use requests, at a rate of $5 per quarter hour spent by each reviewing employee.

(4) Fees for photocopying records is 20 cents a page, the fee for copying audio tapes is the direct cost up to $15 per cassette tape; the fee for copying video tapes is the direct cost up to $20 per tape; and the fee for computer printouts is 10 cents a page. The fee for duplication of electronically maintained information in the requester's preferred format will be $21 for copying computer tapes and $4 for copying records on computer diskettes, if it is feasible for the Board to reproduce records in the format requested. Fees for certified copies of the Board's records will include a $4 per page charge for each page displaying the Board's seal and certification. When the Board estimates that copying costs will exceed $100, it will notify the requester of the estimated amount unless the requester has indicated in advance a willingness to pay an equal or higher amount.

(f) *Fee waivers.* (1) Upon request, the Clerk of the Board, Regional Director, or Chief Administrative Judge, as appropriate, will furnish information without charge or at reduced rates if it is established that disclosure ''is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.'' This decision will be based on:

(i) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the government;

(ii) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of government operations or activities;

(iii) Whether disclosure of the requested information is likely to contribute to public understanding of the subject of the disclosure; and

(iv) The significance of the contribution the disclosure would make to public understanding of government operations or activities.

(2) If information is to be furnished without charge or at reduced rates, the requester must also establish that disclosure of the information is not primarily in the commercial interest of the requester. This decision will be based on:

(i) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(ii) Whether the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(3) The requester must establish eligibility for a waiver of fees or for reduced fees. The denial of a request for waiver of fees may be appealed under subpart C of this part.

§ 1204.13 Denials

(a) The Board may deny: A request for reduced fees or waiver of fees; a request for a record, either in whole or in part; a request for expeditious processing based on the requester's compelling need; or a request that records be

released in a specific electronic format. The denial will be in writing, will state the reasons, and will notify the requester of the right to appeal.

(b) If the Board applies one or more of the exemptions provided under the FOIA to deny access to some or all of the information requested, it will respond in writing, identifying for the requester the specific exemption(s), providing an explanation as to why the exemption(s) to withhold the requested information must be applied, and providing an estimate of the amount of material that has been denied to the requester, unless providing such an estimate would harm an interest protected by the exemptions.

(c) The amount of information deleted will be indicated on the released portion of the record at the place in the record where the deletion is made, if technically feasible and unless the indication would harm an interest protected by the exemption under which the deletion is made.

§ 1204.14 Requests for access to confidential commercial information.

(a) *General.* Confidential commercial information provided to the Board by a business submitter will not be disclosed in response to a FOIA request except as required by this section.

(b) *Definitions.* (1) The term *confidential commercial information* means records provided to the government by a submitter that are believed to contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) The term *submitter* means any person or organization that provides confidential commercial information to the government. The term *submitter* includes, but is not limited to, corporations, state governments, and foreign governments.

(c) *Notice to business submitters.* The Board will provide a business submitter with prompt written notice of a request for its confidential commercial information whenever such written notice is required under paragraph (d) of this section. Exceptions to such written notice are at paragraph (h) of this section. This written notice will either describe the exact nature of the confidential information requested or provide copies of the records or parts of records containing the commercial information.

(d) *When initial notice is required.* (1) With respect to confidential commercial information received by the Board before January 1, 1988, the Board will give the business submitter notice of a request whenever:

(i) The information is less than 10 years old; or

(ii) The Board has reason to believe that releasing the information could reasonably be expected to cause substantial competitive harm.

(2) With respect to confidential commercial information received by the Board on or after January 1, 1988, the Board will give notice to the business submitter whenever:

(i) The business submitter has designated the information in good faith as commercially or financially sensitive information; or

(ii) The Board has reason to believe that releasing the information could reasonably be expected to cause substantial competitive harm.

(3) Notice of a request for commercially confidential information that was received by January 1, 1988, is required for a period of not more than 10 years after the date on which the information is submitted unless the business submitter requests, and provides justification for, a longer specific notice period. Whenever possible, the submitter's claim of confidentially must be supported by a statement or certification, by an officer or authorized representative of the company, that the information in question is confidential commercial information and has not been disclosed to the public.

(e) *Opportunity to object to disclosure.* Through the notice described in paragraph (c) of this section, the Board will give a business submitter a reasonable period to provide a detailed statement of any objection to disclosure. The statement must specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act. In addition, in the case of Exemption 4, the statement must state why the information is considered to be a trade secret, or to be commercial or financial information that is privileged or confidential. Information a business submitter provides under this paragraph may itself be subject to disclosure under the Freedom of Information Act.

(f) *Notice of intent to release information.* The Board will consider carefully a business submitter's objections and specific grounds for claiming that the information should not be released before determining whether to release confidential commercial information. Whenever the Board decides to release confidential commercial information over the objection of a business submitter, it will forward to the business submitter a written notice that includes:

(1) A statement of the reasons for which the business submitter's objections to the release were not sufficient;

(2) A description of the confidential commercial information to be released; and

(3) A specified release date. The Board will forward the notice of intent to release the information a reasonable number of days, as circumstances permit, before the specified date upon which release is expected. It will forward a copy of the release notice to the requester at the same time.

(g) *Notice of Freedom of Information Act lawsuit.* Whenever a requester files a lawsuit seeking to require release of business information covered by paragraph (d) of this section, the Board will notify the business submitter promptly.

(h) *Exceptions to notice requirements.* The notice requirements of this section do not apply when:

(1) The Board decides that the information should not be released;

(2) The information lawfully has been published or otherwise made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The disclosure is required by an agency rule that:

(i) Was adopted after notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the FOIA; or

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that release of the information could reasonably be expected to cause substantial competitive harm.

(5) The information requested is not designated by the submitter as exempt from release according to agency regulations issued under this section, when the submitter has an opportunity to do so at the time of sending the information or a reasonable time thereafter, unless the agency has good reason to believe that disclosure of the information would result in competitive harm; or

(6) The designation made by the submitter according to Board regulations appears obviously frivolous; except that, in such case, the Board must provide the submitter with written notice of any final administrative release decision within a reasonable period before the stated release date.

§ 1204.15 Records of other agencies.

Requests for Board records that were created by another agency may, in appropriate circumstances, be referred to that agency for discussion or processing. In these instances, the Board will notify the requester.

Subpart C—Appeals

§ 1204.21 Submission.

(a) A person may appeal the following actions, or failure to act by the Clerk of the Board, a Regional Director, or Chief Administrative Judge:

(1) A denial of access to agency records;

(2) A denial of a request for a waiver or reduced fees;

(3) A decision that it is technically not possible to reproduce electronically maintained information in the requester's preferred format;

(4) A denial of a request for expedited processing of information under this part; or

(5) A failure to decide a request for expedited processing within 10 workdays from the date of the request.

(b) Appeals must be filed with the Chairman, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001 within 10 workdays from the date of the denial. Any appeal must include a copy of the initial request, a copy of the letter denying the request, and a statement of the reasons why the requester believes the denying employee erred.

§ 1204.22 Decision on appeal.

A decision on an appeal will be made within 20 workdays after the appeal is received. A decision not to provide expeditious processing of a request will be made within 15 workdays after the appeal is received. The decision will be in writing and will contain the reasons for the decision and information about the appellant's right to seek court review of the denial.

Dated: September 2, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–24551 Filed 9–20–99; 8:45 am]

BILLING CODE 7400–01–U

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1205

Privacy Act Regulations

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its Privacy Act regulations to update its fee schedule, update certain information to conform to administrative changes, and to comply with the President's Memorandum on Plain Language in Government Writing.

DATES: Effective date: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: To be consistent with the amendments to our regulations (5 CFR 1204.11(c)) which were allowed by the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104–231, 101 Stat. 3048), the Board is changing from 10 to 20 the number of workdays in which it will acknowledge a request for access to records in § 1205.12(a) and (a)(4). Section 1205.23 retains the 10 workday time limit but reflects the requirement that the Board acknowledge, rather than rule on a request for amendment of the record. The amendments also add to unusual circumstances in § 1205.12(a)(1) the circumstance where the Board must obtain requested records from a Federal Records Center.

These amendments also update § 1205.16 of the Board's rules controlling the computation and collection of fees. Paragraphs (e) and (f) of § 1205.16 are eliminated as redundant and paragraph (f) is renamed. Section 1205.31 adds a time limit of 10 workdays to file an appeal of a denial of an amendment with the Board's Chairman.

In addition, the Board is updating the wording of its regulations to reflect the existence of field offices in addition to its regional offices and the chief administrative judges who handle certain responsibilities in those offices. Other changes have been made for consistency, to update zip codes, and to comply with the President's Memorandum, ''Plain Language in Government Writing'', 34 Weekly Comp. Pres. Doc. 1010 (June 1, 1998).

List of Subjects in 5 CFR Part 1205—Privacy

Accordingly, the Board is revising 5 CFR part 1205 to read as follows:

PART 1205—PRIVACY ACT REGULATIONS

Subpart A—General Provisions

Sec.
1205.1 Purpose.
1205.2 Policy and scope.
1205.3 Definitions.
1205.4 Disclosure of Privacy Act records.

Subpart B—Procedures for Obtaining Records

1205.11 Access to Board records.
1205.12 Time limits and determinations.
1205.13 Identification.
1205.14 Granting access.
1205.15 Denying access.
1205.16 Fees.

Subpart C—Amendment of Records

1205.21 Request for amendment.
1205.22 Action on request.
1205.23 Time limits.

Subpart D—Appeals

1205.31 Submitting appeal.
1205.32 Decision on appeal.

Authority: 5 U.S.C. 552a and 1204.

Subpart A—General Provisions

§ 1205.1 Purpose.

This subpart implements the Privacy Act of 1974, 5 U.S.C. 552a, (''the Act'') by stating the procedures by which individuals may determine the existence of, seek access to, and request amendment of Board records concerning themselves, and by stating the requirements that apply to Board employees' use and disclosure of those records.

§ 1205.2 Policy and scope.

The Board's policy is to apply these regulations to all records that can be retrieved from a system of records under the Board's control by using an individual's name or by using a number, symbol, or other way to identify the individual. These regulations, however, do not govern the rights of the parties in adversary proceedings before the Board to obtain discovery from adverse parties; those rights are governed by part 1201 and part 1209 of this chapter. These regulations also are not meant to allow the alteration, either before or after the Board has issued a decision on an appeal, of evidence presented during the Board's adjudication of the appeal.

§ 1205.3 Definitions.

The definitions of 5 U.S.C. 552a apply to this part. In addition, as used in this part:

(a) *Inquiry* means a request by an individual regarding whether the Board has a record that refers to that individual.

(b) *Request for access* means a request by an individual to look at or copy a record.

(c) *Request for amendment* means a request by an individual to change the substance of a particular record by addition, deletion, or other correction.

(d) *Requester* means the individual requesting access to or amendment of a record. The individual may be either the person to whom the requested record

refers, a legal guardian acting on behalf of the individual, or a representative designated by that individual.

§ 1205.4 Disclosure of Privacy Act records.

(a) Except as provided in 5 U.S.C. 552a(b), the Board will not disclose any personal record information from systems of records it maintains to any individual other than the individual to whom the record refers, or to any other agency, without the express written consent of the individual to whom the record refers, or his or her representative or attorney.

(b) The Board's staff will take necessary steps, in accordance with the law and these regulations, to protect the security and integrity of the records and the personal privacy interests of the subjects of the records.

Subpart B—Procedures for Obtaining Records

§ 1205.11 Access to Board records.

(a) *Submission of request.* Inquiries or requests for access to records must be submitted to the appropriate regional or field office of the Board, or to the Clerk of the Board, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001. If the requester has reason to believe that the records are located in a regional or field office, the request must be submitted to that office. Requests submitted to the regional or field office must be addressed to the Regional Director or Chief Administrative Judge at the appropriate regional or field office listed in appendix II of 5 CFR part 1201.

(b) *Form.* Each submission must contain the following information:

(1) The name, address, and telephone number of the individual to whom the record refers;

(2) The name, address, and telephone number of the individual making the request if the requester is someone other than the person to whom the record refers, such as a legal guardian or an attorney, along with evidence of the relationship. Evidence of the relationship may consist of an authenticated copy of:

(i) The birth certificate of the minor child, and

(ii) The court document appointing the individual legal guardian, or

(iii) An agreement for representation signed by the individual to whom the record refers;

(3) Any additional information that may assist the Board in responding to the request, such as the name of the agency that may have taken an action against an individual, or the docket number of the individual's case;

(4) The date of the inquiry or request;

(5) The inquirer's or requester's signature; and

(6) A conspicuous indication, both on the envelope and the letter, that the inquiry is a ''PRIVACY ACT REQUEST''.

(c) *Identification.* Each submission must follow the identification requirements stated in § 1205.13 of this part.

(d) *Payment.* Records usually will not be released until fees have been received.

§ 1205.12 Time limits and determinations.

(a) *Board determinations.* The Board will acknowledge the request for access to records and make a determination on whether to grant it within 20 workdays after it receives the request, except under the unusual circumstances described below:

(1) When the Board needs to obtain the records from other Board offices or a Federal Records Center;

(2) When it needs to obtain and examine a large number of records;

(3) When it needs to consult with another agency that has a substantial interest in the records requested; or

(4) When other extenuating circumstances prevent the Board from processing the request within the 20-day period.

(b) *Time extensions.* When unusual circumstances exist, the Board may extend the time for making a determination on the request for no more than 10 additional workdays. If it does so, it will notify the requester of the extension.

(c) *Improper request.* If a request or an appeal is not properly labeled, does not contain the necessary identifying information, or is submitted to the wrong office, the time period for processing the request will begin when the correct official receives the properly labeled request and the necessary information.

(c) *Determining officials.* The Clerk of the Board, a Regional Director, or a Chief Administrative Judge will make determinations on requests.

§ 1205.13 Identification.

(a) *In person.* Each requester must present satisfactory proof of identity. The following items, which are listed in order of the Board's preference, are acceptable proof of the requester's identity when the request is made in person:

(1) A document showing the requester's photograph;

(2) A document showing the requester's signature; or

(3) If the items described in paragraphs (a)(1) and (2) of the section are not available, a signed statement in which the requester asserts his or her identity and acknowledges understanding that misrepresentation of identity in order to obtain a record is a misdemeanor and subject to a fine of up to $5,000 under 5 U.S.C. 552a(i)(3).

(b) *By mail.* The identification of a requester making a request by mail must be certified by a notary public or equivalent official or contain other information to identify the requester. Information could be the date of birth of the requester and some item of information in the record that only the requester would be likely to know.

(c) *Parents of minors, legal guardians, and representatives.* Parents of minors, legal guardians, and representatives must submit identification under paragraph (a) or (b) of this section. Additionally, they must present an authenticated copy of:

(1) The minor's birth certificate, and

(2) The court order of guardianship, or

(3) The agreement of representation, where appropriate.

§ 1205.14 Granting access.

(a) The Board may allow a requester to inspect records through either of the following methods:

(1) It may permit the requester to inspect the records personally during normal business hours at a Board office or other suitable Federal facility closer to the requester; or

(2) It may mail copies of the records to the requester.

(b) A requester seeking personal access to records may be accompanied by another individual of the requester's choice. Under those circumstances, however, the requester must sign a statement authorizing the discussion and presentation of the record in the accompanying individuals presence.

§ 1205.15 Denying access.

(a) *Basis.* In accordance with 5 U.S.C. 552a(k)(2), the Board may deny access to records that are of an investigatory nature and that are compiled for law enforcement purposes. Those requests will be denied only where access to them would otherwise be unavailable under Exemption (b)(7) of the Freedom of Information Act.

(b) *Form.* All denials of access under this section will be made in writing and will notify the requester of the right to judicial review.

§ 1205.16 Fees.

(a) No fees will be charged except for making copies of records.

(b) Photocopies of records duplicated by the Board will be subject to a charge of 20 cents a page.

(c) If the fee to be assessed for any request is less than $100 (the cost to the Board of processing and collecting the fee), no charge will be made to the requester.

(d) Fees for copying audio tapes and computer records will be charged at a rate representing the actual costs to the Board, as shown in paragraphs (d)(1) through (d)(3) of this section.

(1) Audio tapes will be provided at a charge not to exceed $15 for each cassette tape.

(2) Computer printouts will be provided at a charge of 10 cents a page.

(3) Records reproduced on computer tapes, computer diskettes, or other electronic media, will be provided at the actual cost to the Board.

(e) The Board will provide one copy of the amended parts of any record it amends free of charge as evidence of the amendment.

Subpart C—Amendment of Records

§ 1205.21 Request for amendment.

A request for amendment of a record must be submitted to the Regional Director or Chief Administrative Judge of the appropriate regional or field office, or to the Clerk of the Board, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419–0001, depending on which office has custody of the record. The request must be in writing, must be identified conspicuously on the outside of the envelope and the letter as a ''PRIVACY ACT REQUEST,'' and must include the following information:

(a) An identification of the record to be amended;

(b) A description of the amendment requested; and

(c) A statement of the basis for the amendment, along with supporting documentation, if any.

§ 1205.22 Action on request.

(a) *Amendment granted.* If the Board grants the request for amendment, it will notify the requester and provide him or her with a copy of the amendment.

(b) *Amendment denied.* If the Board denies the request for amendment in whole or in part, it will provide the requester with a written notice that includes the following information:

(1) The basis for the denial; and

(2) The procedures for appealing the denial.

§ 1205.23 Time limits.

The Clerk of the Board, Regional Director, or Chief Administrative Judge will acknowledge a request for amendment within 10 workdays of receipt of the request in the appropriate office except under the unusual circumstances described in paragraphs (a)(1) through (a)(4) of § 1205.12 of this part.

Subpart D—Appeals

§ 1205.31 Submitting appeal.

(a) A partial or complete denial, by the Clerk of the Board, by the Regional Director, or by the Chief Administrative Judge, of a request for amendment may be appealed to the Chairman, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419–0001 within 10 workdays from the date of the denial.

(b) Any appeal must be in writing, must be clearly and conspicuously identified as a Privacy Act appeal on both the envelope and letter, and must include:

(1) A copy of the original request for amendment of the record;

(2) A copy of the denial; and

(3) A statement of the reasons why the original denial should be overruled.

§ 1205.32 Decision on appeal.

(a) The Chairman will decide the appeal within 30 workdays unless the Chairman determines that there is good cause for extension of that deadline. If an appeal is improperly labeled, does not contain the necessary information, or is submitted to an inappropriate official, the time period for processing that appeal will begin when the Chairman receives the appeal and the necessary information.

(b) If the request for amendment of a record is granted on appeal, the Chairman will direct that the amendment be made. A copy of the amended record will be provided to the requester.

(c) If the request for amendment of a record is denied, the Chairman will notify the requester of the denial and will inform the requester of:

(1) The basis for the denial;

(2) The right to judicial review of the decision under 5 U.S.C. 552a(g)(1)(A); and

(3) The right to file a concise statement with the Board stating the reasons why the requester disagrees with the denial. This statement will become a part of the requester's record.

Dated: September 2, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–24552 Filed 9–20–99; 8:45 am]

BILLING CODE 7400–01–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 903

[Docket No. FR–4420–F–04]

RIN 2577–AB89

Public Housing Agency Plans; Change in Plan Submission Dates

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; amendment.

SUMMARY: This final rule makes two amendments to HUD's February 18, 1999 interim rule regarding public housing agency (PHA) plans. First, this final rule provides PHAs whose fiscal years begin on January 1, 2000, with additional time to submit their first PHA plans to HUD. This final rule also provides that, for purposes of first PHA plan submissions, a PHA will be considered to have submitted its PHA plans on the submission due date, regardless of whether the PHA submits its first plans before that date. This final rule does not address the public comments received on the February 18, 1999 interim rule. The comments will be addressed in a separate rulemaking that HUD is currently developing, and that HUD expects to publish within the next few weeks.

DATES: *Effective Date:* October 21, 1999.

FOR FURTHER INFORMATION CONTACT: For further information contact Beth Cooper, the Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC 20410; telephone (202) 708–0730 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. HUD's February 18, 1999 Interim Rule

On February 18, 1999 (64 FR 8170), HUD published an interim rule to implement a new component of public housing and tenant-based assistance operations required by the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998) (referred to as the ''Public Housing Reform Act'')—the public housing agency plans. Through these plans—the 5-year Plan and the Annual Plan—a public housing agency (PHA) will advise HUD, its

residents and members of the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs. The February 18, 1999 interim rule established the initial procedures and requirements for development, submission and implementation of the Plans. The February 18, 1999 interim rule also provided the dates for submission of the Plans. The interim rule became effective on March 22, 1999, and is codified at 24 CFR part 903 (entitled ''Public Housing Agency Plans'').

II. This Rule

The purpose of this final rule is to make two amendments to the February 18, 1999 interim rule. The amendments are as follows:

1. *Extended submission date for initial PHA Plans.* Section 511 of the Public Housing Reform Act provides (in subsection (h)(1)) for the Secretary to establish the due date for initial submission of the PHA 5-year and Annual Plans. After initial submission of the PHA Plans, the statute sets the due date at not later than 75 days before the start of the PHA's fiscal year. In accordance with this statutory authority, the February 18, 1999 interim rule established due dates for the initial submission of the PHA Plans.

The February 18, 1999 interim rule established a due date of ''no later than 75 days before January 1, 2000'' for the first 5-year Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after that date are required to submit their first 5-year Plan ''no later than 75 days before the commencement of their fiscal year.'' (See § 903.3(a) of the February 18, 1999 interim rule)

The interim rule established a due date of October 15, 1999 for the first PHA Annual Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after January 1, 2000 are required to submit their first Annual Plan no later than ''75 days in advance of their fiscal year commencement date.'' (See § 903.3(b) of the February 18, 1999 interim rule).

On July 30, 1999, HUD issued Public and Indian Housing (PIH) Notice 99–33, which announced the availability of an electronic template that PHAs must use to complete and submit the PHA Plans. The electronic template, which is generally presented in question and answer format, clarifies HUD's expectations for PHA Plan submissions and will make these submissions easier to complete. The PIH notice also provides additional guidance for completing the PHA Plans.

This rule extends the due date for initial PHA Plan submissions made by PHAs with fiscal years beginning on January 1, 2000. Specifically, the rule provides that these PHAs must submit their first PHA Plans to HUD by December 1, 1999. This extension is designed to permit these PHAs (who will be the first to submit PHA Plans) to benefit from the electronic template and additional guidance provided in PIH Notice 99–33.

2. *Designation of December 1, 1999 as the PHA Plan submission date.* The February 18, 1999 interim rule provides that ''not later than 75 days after the date on which the PHA submits its plan * * * HUD will issue written notice to the PHA if the plan has been disapproved.'' (See § 903.23(b)(2) of the February 18, 1999 interim rule).

This rule amends the interim rule to provide that, for purposes of the submission of the first PHA Plans, the ''date on which the PHA submits its plan'' will be considered to be the submission due date. Accordingly, the 75-day period for HUD to provide written notice of its disapproval will not begin until the due date. For example, the initial Plan submission due date for PHAs whose fiscal year begins on January 1, 2000 is December 1, 1999. The 75-day HUD review period for these Plans will begin on December 1, 1999, regardless of whether the PHA has submitted its PHA Plans before December 1, 1999.

The designation of the due date as the submission date for purposes of the 75-day period assures that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period. The result will be HUD reviews that have the benefit of the uniform guidance and, thus, will be conducted under uniform, national standards. The uniform time period will also assist HUD's efforts to use its work force as efficiently as possible. Both of these benefits will assist PHAs and the public. The extended time period until the first submissions makes this step more important.

III. HUD's Upcoming Final Rule Regarding the PHA Plans

This rule does not address the public comments received on the February 18, 1999 interim rule. HUD is currently developing a separate rule that will finalize the policies and procedures contained in the February 18, 1999 interim rule, and that takes into consideration the public comments received on the interim rule. HUD expects to publish this final rule within the next few weeks.

IV. Justification for Issuance of Rule for Effect

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary because this rule simply makes two technical amendments to 24 CFR part 903 regarding the due dates for initial PHA Plan submissions. These amendments will provide PHAs whose fiscal years begin on January 1, 2000 with additional time to prepare their first PHA Plans. The amendments will also benefit HUD, PHAs, and the public by assuring that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period.

V. Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only makes two technical amendments to 24 CFR part 903 regarding the due date for initial PHA Plan submissions by PHAs with fiscal years beginning on January 1, 2000.

Environmental Impact

This rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This rule only makes a technical amendment to an existing regulation.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

List of Subjects in 24 CFR Part 903

Administrative practice and procedure, Public housing, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, HUD amends 24 CFR part 903 as follows:

PART 903—PUBLIC HOUSING AGENCY PLANS

1. The authority citation for part 903 continues to read as follows:

Authority: 42 U.S.C. 1437c; 42 U.S.C. 3535(d).

2. Revise § 903.3 to read as follows:

§ 903.3 When must a PHA submit the plans to HUD?

(a) *5-Year Plan.* (1) The first PHA fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first 5-Year Plan submitted by a PHA must be submitted for the 5-year period beginning January 1, 2000. The first 5-Year Plans are due on December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their 5-Year Plans are due no later than 75 days before the commencement of their fiscal year. For all PHAs, after submission of their first 5-Year Plan, all subsequent 5-Year Plans must be submitted once every 5 PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year.

(2) PHAs may choose to update their 5-Year Plans every year as good management practice. PHAs must explain any substantial deviation from their 5-Year Plans in their Annual Plans.

(b) *The Annual Plan.* The first fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first Annual Plans are due December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their first Annual Plan are due 75 days in advance of their fiscal year commencement date. For all PHAs, after submission of their first Annual Plan, all subsequent Annual Plans will be due 75 days in advance of the commencement of a PHA's fiscal year.

3. Add § 903.23(c) to read as follows:

§ 903.23 What is the process by which HUD reviews, approves, or disapproves an Annual Plan?

* * * * *

(c) *Designation of due date as submission date for initial plan submissions.* For purposes of the 75-day period described in paragraph (b) of this section, the first 5-year and Annual Plans submitted by a PHA will be considered to have been submitted on their due date (December 1, 1999 or 75 days before the start of the PHA fiscal year, as appropriate—see § 903.3).

* * * * *

Dated: September 14, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–24600 Filed 9–20–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–99–076]

Special Local Regulations for Marine Events; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations for the Chincoteague Power Boat Regatta to be held on the waters of Assateague Channel near Chincoteague, Virginia, on September 25, 1999 and September 26, 1999. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

DATES: This rule is effective from 10:30 a.m. EDT (Eastern Daylight Time) to 6:30 p.m. EDT on September 25, 1999, and from 11:30 a.m. EDT to 6:30 p.m. EDT on September 26, 1999.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer G. Nestle, Marine Events Coordinator, Commander, Coast Guard Group Eastern Shore, Chincoteague, Virginia, (757) 336–2890.

SUPPLEMENTARY INFORMATION: The Chincoteague Chamber of Commerce will sponsor the Chincoteague Power Boat Regatta on September 25, 1999 and September 26, 1999, on the waters of Assateague Channel, near Chincoteague, Virginia. (This event is normally held on the third Saturday and Sunday in June.) The event will involve 45 hydroplanes and runabouts racing along a 1.25 mile course within the regulated area. In order to ensure the safety of race participants, spectators and transiting vessels, 33 CFR 100.519 will be in effect for the duration of the event. Under provisions of 33 CFR 100.519, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: September 2, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 99–24578 Filed 9–20–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 022–5040; FRL–6436–8]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting limited approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia to revise its new source review (NSR) regulations for nonattainment areas to bring them into conformance with the Clean Air Act (CAA) Amendments adopted in 1990, and to make other changes desired by the Commonwealth. Virginia's NSR regulations for nonattainment areas require persons to meet certain requirements before constructing a new major source or major modification in a nonattainment area. The intended effect of this action is to grant limited approval of Virginia's NSR regulation as a SIP revision under the CAA.

EFFECTIVE DATE: This final rule is effective on Ocotber 21, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

FOR FURTHER INFORMATION CONTACT: Donna Weiss, Environmental Engineer, (215) 814–2198 or by e-mail at weiss.donna@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On March 23, 1998 (63 FR 13811), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed limited approval of revisions to Virginia's NSR regulations (Section 120–08–03). No comments were received on the NPR.

B. Summary of the SIP Revision

Virginia submitted the formal SIP revision on November 9, 1992. The significant changes to Section 120–08–03 are summarized below:

Section 120–08–03 A—Applicability (amended)—Virginia has modified this subsection by including a provision to deter a company from constructing or modifying a facility in increments to avoid permit requirements.

Section 120–08–03 B—Definitions (amended)—Virginia has modified many of the definitions found in this subsection. Key changes were made to the following terms: ''Allowable Emissions'', ''Building, structure facility or installation'', ''Federally enforceable'', ''Major Modification'', ''Major Stationary Source'', ''Net emissions increase'', ''Nonattainment pollutant'', ''Potential to Emit'', ''Reconstruction'', and ''Significant''.

Section 120–08–03 C—General (amended)—Virginia modified the general subsection by adding a provision stating that it may combine in one permit the requirements for emissions units subject to more than one of Virginia's regulatory requirements applicable to permitting, and that Virginia may also require a combined application for such emissions units. The permitting requirements for which such combined permits and applications may be required include those of Virginia's NSR regulation for sources locating in nonattainment areas and those of two other Virginia regulations, entitled, ''Permits—New and Modified Sources,'' and ''Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas.''

Section 120–08–03 D—Applications (amended)—Virginia modified the applications subsection by revising its specification of the scope of permit applications. Virginia also added provisions defining who must sign permit applications and requiring the signer to certify that ''the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.''

Section 120–08–03 F—Standards/Conditions for Granting Permits (amended)—Virginia made several changes in the standards and conditions subsection, which establishes the requirements which must be met before a permit can be issued.

Section 120–08–03 G—Action on Permit application (amended)—Virginia amended this subsection to specify that Virginia must notify applicants in writing of deficiencies in their permit applications. Virginia also deleted certain public participation provisions from this section which it now includes in a separate section of the regulation; and revised its description of permit processing steps by including in the description a reference to public participation requirements found elsewhere in the regulation.

Section 120–08–03 H—Public Participation (added)—Virginia added a new subsection detailing public participation requirements. This subsection requires the applicant to provide the public with notice of its application for a permit and then, within 30 to 60 days, to provide a public briefing. In addition, the subsection provides that Virginia must provide a public comment period of at least 30 days, and hold a public hearing, before it makes a decision on a permit application.

Section 120–08–03 I—Compliance Determination verification by Performance Testing (amended, formerly designated as Section 120–08–03 H, this section replaces the original Section 120–08–03 I, which was deleted)—Virginia modified this subsection by specifying that source owners are responsible for conducting tests if any such tests are required.

Section 120–08–03 J—Application Review and Analysis (formerly designated as Section 120–08–03 K, this section replaces the original Section 120–08–03 J, which was deleted)—Virginia made no changes to this subsection.

Section 120–08–03 K—Circumvention (formerly designated as Section 120–08–03 L)—Virginia made no changes to this subsection.

Section 120–08–03 L—Interstate Pollution Abatement (formerly designated as Section 120–08–03 M)—Virginia made no changes to this subsection.

Section 120–08–03 M—Offsets (amended, formerly designated as Section 120–08–03 N)—Virginia allows the crediting of emission reductions resulting from shutting down an existing source or curtailing production or operating hours below baseline levels if the shutdown or curtailment is in effect, if it occurred on or after January 1, 1991, and if it is permanent, quantifiable, and federally and state enforceable. Virginia requires that the increased emissions of the air pollutant(s) from the new or modified source must be offset by an equal or greater reduction in the actual emissions of such air pollutant(s) from the same or other sources. Virginia allows reductions to be credited only if they are not otherwise required by its regulations. Virginia does allow incidental emission reductions to be credited, provided they are not required by regulation and meet certain other requirements. In this section Virginia also includes a special provision allowing increases in emissions from rocket engine and motor firing to be offset by alternative or innovative means.

Section 120–08–03 N—De minimis increases and stationary source modification alternatives for ozone nonattainment areas classified as serious or severe (added)—Virginia specifies in this new subsection that VOC emissions increases resulting from modifications at sources in serious or severe ozone nonattainment areas cannot be considered *de minimis* unless the increase in net emissions does not exceed 25 TPY when aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years which includes the calendar year in which such increase occurred.

Section 120–08–03 Q—Reactivation and Permanent shutdown (added) Virginia specifies in this new subsection that a source which is reopened after having been determined to be shutdown must obtain a permit. Virginia also sets forth criteria by which sources are formally determined to be shutdown.

Section 120–08–03 R—Transfer of Permits (added)—Virginia establishes in

this new subsection provisions pertaining to transfer of permits.

Section 120–08–03 S—Permit Invalidation, Revocation, and Enforcement (added)—Virginia sets forth in this new subsection the conditions under which owners of sources subject to permitting requirements may be subject to enforcement action and when permits may be invalidated or revoked.

Section 120–08–03 T—Existence of Permit No Defense (added)—Virginia specifies in this new subsection that the existence of a permit under this section shall not constitute a defense to a violation of the Virginia Air Pollution Control Law or these regulations and shall not relieve any owner of the responsibility to comply with any applicable regulations, laws, ordinances and orders of the governmental entities having jurisdiction.

C. EPA's Evaluation of the SIP Revision

EPA has determined that the amendments to Virginia's NSR regulations are consistent with the CAA and currently promulgated federal NSR regulations with one exception. Virginia's NSR regulation allows persons who intend to build or modify a major source in a nonattainment area to take credit for emission reductions obtained from shutdowns or curtailments of production or operating hours which took place prior to the source's application for a new source review permit (prior to shutdown or curtailment credits) even if EPA has not yet approved an attainment plan for the nonattainment area. The shutdown may not predate the design year of the required attainment plan. Although EPA's existing regulations do not allow for this, EPA proposed revisions to its NSR and PSD regulations on July 23, 1996, which proposes an option which is consistent with Virginia's revised regulation. Based on this fact, as well as the fact that the revisions strengthen Virginia's SIP, EPA is granting limited approval of these regulatory revisions. EPA has provided a more detailed analysis on this issue in the March 23, 1998 NPR referenced above.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1997, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts * * *.'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1997 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its NSR program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

Other specific requirements of Virginia's revisions and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is granting limited approval of amendments to 120–08–03. ''Permits—major stationary sources and major modifications locating in nonattainment areas' submitted by the Commonwealth of Virginia on November 9, 1992.

III. Administrative Requirements

A. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of

state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under sections 110 and 301, and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action granting limited approval of Virginia's NSR regulations must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 3, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(129) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(129) Revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas mandated under Title I, Sections 171–173 and 182 of the Clean Air Act submitted on November 9, 1992, by the Commonwealth of Virginia:

(i) Incorporation by reference.

(A) Letter of November 9, 1992, from the Commonwealth of Virginia, Department of Air Pollution Control transmitting revisions to the Virginia Regulations pertaining to permit requirements for new and modified stationary sources locating in nonattainment areas.

(B) Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, *Permits for Stationary Sources,* Section 120–08–03. ''Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas''. (Effective January 1, 1993).

(ii) Additional materials—The remainder of the November 2, 1992 submittal pertaining to Regulation 120–08–03.

[FR Doc. 99–24454 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[Docket #OR55–7270; FRL–6438–5]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves revisions to the Oregon State Implementation Plan. The Lakeview, Oregon PM10 Control Plan is intended to bring about the attainment of National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM10). The implementation plan was submitted to satisfy Federal requirements for moderate PM10 nonattainment areas.

DATES: This direct final rule is effective on November 22, 1999, without further notice, unless EPA receives adverse comment by October 21, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Ave, Seattle, Washington, 98101, (206) 553–1388.

SUPPLEMENTARY INFORMATION:

I. Background

A. Applicable PM10 Standard and Initial Area Designations

The Clean Air Act [1] (Act) requires EPA to reevaluate the health-based National Ambient Air Quality Standards (NAAQS) every five years to consider changes based on new scientific information. On July 1, 1987, EPA revised the particulate matter NAAQS to reflect new evidence that smaller particles pose an increased threat to human health and the environment (52 FR 24634). Upon revision, PM10 was selected as the new indicator for particulates.

EPA replaced the old total suspended particulate (TSP) standard with new primary and secondary standards for PM10. The new 24-hour primary and secondary standard for PM10 was set at 150 micrograms per cubic meter (μg/m^3) with no more than one allowable exceedance per year within a three-year time frame. The new annual PM10 standard was set at 50 μg/m^3 expected annual arithmetic mean with no allowable exceedances.

Concurrent with the new standards, EPA promulgated revisions to 40 CFR parts 51 and 52 and implementation guidance for PM10 NAAQS (52 FR 24672). These revisions to 40 CFR Parts 51 and 52 established requirements for the preparation, adoption, and submittal of State Implementation Plans (SIPs) and set forth requirements for the Administrator's approval and promulgation of SIP revisions.

When Congress revised the Act on November 15, 1990, it codified the EPA's 1987 PM10 NAAQS revisions and designated PM10 areas under Section 107. This revision also changed SIP requirements for particulate matter (PM) nonattainment areas.[2]

The General Preamble for the implementation of Title I of the amended Act states that on the date of enactment, PM10 areas meeting the qualifications of Section 107(d)(4)(B) of the Act became nonattainment by operation of law. These areas included: (1) Areas with the greatest probability of violating the old PM standard (Class I areas in 52 FR 29383 and 55 FR 45799); and (2) other areas violating the PM10 NAAQS prior to January 1, 1989. All other PM areas were designated unclassifiable for PM10 (57 FR 13537).[3]

The amended Act, in accordance with Section 107(d)(3), authorizes EPA to promulgate the designation of new areas as nonattainment for PM10 based on air quality data, planning and control considerations, and/or any other air quality-related consideration that the Administrator deems appropriate.

On April 22, 1991, EPA announced in 56 FR 16274 that it had initiated the redesignation process for 16 areas. Other areas were subsequently redesignated on a case-by-case basis.

B. Lakeview, Oregon Designation History

By operation of law upon enactment of the 1990 Clean Air Act Amendments, Lakeview, Oregon was designated ''unclassifiable'' due to a lack of air quality monitoring data (see CAA section 107(d)(4)(B)(iii)).

The State of Oregon subsequently conducted monitoring in the Lakeview area to verify PM10 concentrations and

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended. The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C., Sections 7401, *et seq.*

[2] Title 1, Subparts 1 and 4 contain revisions applicable to all nonattainment areas and those specific to PM10 nonattainment areas. At times, these provisions overlap or conflict. Because EPA is describing its interpretations here in broad terms, the reader should refer to the General Preamble (57 FR 13498) to better clarify the requirements that authorize this action.

[3] Procedures for area classification and attainment date determinations can be found in CAA section 188.

determine if its designation status should be revised.

On December 29, 1992, the Governor of Oregon submitted a letter notifying EPA that the monitoring site in Lakeview had recorded an exceedance of the 24-hour PM10 NAAQS. Because monitors in the area had also recorded previous exceedances of the 24-hour PM10 NAAQS on January 4, 14, and 16, 1991, the exceedance in 1992 resulted in a violation of the 24-hour PM10 NAAQS.

The Governor requested that Lakeview be redesignated to nonattainment for PM10. Additionally, Oregon requested that the nonattainment area be defined as the Lakeview Urban Growth Boundary. EPA approved these requests and redesignated Lakeview as nonattainment for PM10 and classified it as moderate effective December 25, 1993 (58 FR 49931).

On June 1, 1995, the Governor submitted to EPA the Lakeview, Oregon PM10 Control Plan, Oregon's strategy for meeting the PM10 NAAQS as expeditiously as practicable. This revision to the Oregon SIP, herein referred to as the Lakeview Attainment Plan, is the subject of today's action.

C. Attainment Plan Requirements for Moderate PM10 Nonattainment Areas

A moderate area PM10 attainment plan must include: (1) Provisions to assure that Reasonably Available Control Measures (RACM), including Reasonable Available Control Technology (RACT), are implemented within four years of redesignation; (2) a permit program meeting the requirements of Section 173 of the Act governing the construction and operation of new and modified stationary sources of PM10; (3) quantitative milestones demonstrating reasonable further progress achieved every three years until the area is redesignated to attainment (see CAA section 171(1)); and (4) a demonstration that the plan will provide for the attainment of the PM10 NAAQS as expeditiously as practicable within six years (or a demonstration that such a date is not practicable).[4]

The State is also required to submit contingency measures, pursuant to Section 172(c) of the Act. These additional controls take effect without further action if EPA determines that an area has failed to make reasonable further progress. Pursuant to today's action, the State of Oregon was required to submit contingency measures within 18 months of Lakeview's redesignation.

D. Lakeview PM10 Attainment Plan Development

The Lakeview PM10 Attainment Plan was developed by the Oregon Department of Environmental Quality in consultation with the Town of Lakeview, Lake County, the Oregon Department of Transportation, the Oregon Department of Forestry, and EPA. It was prepared in accordance with the requirements of the Clean Air Act and EPA regulations. It is designed to achieve attainment of the NAAQS within the time frame required by the Act.

II. Summary of Today's Action

EPA is approving the Lakeview Attainment Plan as a revision to the Oregon State Implementation Plan. This plan contains Oregon's strategy for meeting the PM10 NAAQS in Lakeview, a moderate PM10 nonattainment area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules Section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 22, 1999, without further notice unless the Agency receives adverse comments by October 21, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 22, 1999, and no further action will be taken on the proposed rule.

III. Analysis of State Submission

Section 110(k) of the Act sets out provisions for EPA's review of SIP submittals (57 FR 13565–13566). The decision to approve Lakeview, Oregon PM10 Control Plan is based on EPA's belief that the submittal satisfies all applicable Federal requirements for moderate PM10 nonattainment area SIP revisions.[5] The following discussion summarizes the basis for this finding.

A. Procedural Background

The Act requires states to follow certain procedural requirements when developing state implementation plans and plan revisions that will be submitted to EPA. The Act also requires EPA to follow procedural requirements when reviewing and acting on these submissions.

Section 110(a)(2) and Section 110(l) of the Act require that all SIPs and SIP revisions undergo reasonable public notice and public hearing prior to adoption by the State and approval by EPA.[6] The Act also requires EPA to determine whether a State submission is complete before entering into further review and action (CAA section 110(k)(1); 57 FR 13565).

Activities that meet the requirements for reasonable public notice on the part of the State include: (1) A public hearing on the Lakeview Attainment Plan in Lakeview on February 16, 1995; (2) public notice for the proposed rule revision via residential mailings and media notifications.

Activities that meet the requirements for completeness determination on the part of EPA include: (1) A completeness determination conducted shortly after submittal;[7] (2) a letter dated October 17, 1995, sent to the Director of the Oregon Department of Environmental Quality (ODEQ) indicating EPA had begun evaluating the plan in accordance with the Act.

B. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The emissions inventory should also include a comprehensive, accurate, and current inventory of allowable emissions in the area (CAA section 110(a)(2)(k)).

An emissions inventory provides information about the relative contribution of pollution sources within an airshed. It forms the basis for evaluating control strategies, tracking emission reductions, and measuring growth. Because this information is required for an area's attainment

[4] See 57 FR 13498 and 57 FR 18070 for more detailed discussion of EPA guidance and statutory requirements applicable to moderate PM10 nonattainment areas.

[5] This document provides general information about EPA's approval. More detailed discussion of EPA's analysis can be found in the Technical Support Document for this action (Docket #OR55–7270).

[6] Section 172(c)(7) of the Act also requires that plan provisions for nonattainment areas meet applicable provisions of section 110(a)(2).

[7] EPA's completeness criteria for SIP submittals is specified in 40 CFR Part 51, Appendix V.

demonstration (or its demonstration that it cannot practicably attain) an accurate emissions inventory must accompany each attainment plan submission (57 FR 13539).

The Lakeview 1992 base year emissions inventory was submitted to EPA with the attainment plan on June 1, 1995. The year 1992 was chosen for Lakeview's base year emissions inventory because it is representative of Lakeview air quality prior to the implementation of PM10 control measures. The 1992 base year was used as the baseline for setting emission reduction goals and determining an appropriate attainment strategy.

The 1992 emissions inventory identifies the relative contribution of the following major sources of PM10, before the implementation of control measures. These contributions are calculated on an annual basis as well as a 24-hour basis during the peak PM10 season (December 1–February 28).

1992 BASE YEAR—CALCULATED EMISSIONS SUMMARY [8]

Source	24-hour/peak season	Annual
Industry	21%	34%
Residential Woodheat	58%	42%
Solid Waste Disposal forestry/residential	**	2%
Fugitive Dust	11%	19%
Transportation	1%	2%
Other	9% (incl yard waste)	<1% (no yard waste).
Total	1609 lbs per day	141 tons per year.

** Not calculated.

[8] The source categories used in the plan to summarize annual and 24 hour emission inventories contain inconsistencies. ''Solid waste disposal'' in the annual summary represents emissions from both residential and forestry burning. This category does not fully apply to the 24-hour worst-case inventory because forestry burning is a predominately summer-time activity. Winter-time emissions from residential waste disposal are represented in the ''other'' category in the 24-hour summary, but not in the ''other category for the annual summary. This inconsistency does not affect the approvability of the SIP.

In 1999, Lakeview's attainment deadline, ODEQ projects the following contributions from the same source categories—both before and after the implementation of control measures in the attainment plan.

1999 ATTAINMENT YEAR—PROJECTED EMISSIONS SUMMARY [9]

Source	24-hour/no controls	24-hour/all controls
Industry	51%	40%
Residential Woodheat	36%	34%
Solid Waste Disposal forestry/residential	**	**
Fugitive Dust	7%	14%
Transportation	1%	2%
Other	5% (incl. yard waste)	10% (incl. yard waste).
Total	2732 lbs per day	1390 lbs per day.

** Not calculated.

[9] Annual calculations are omitted because Lakeview is in attainment for the annual PM10 NAAQS and in fact has never exceeded the annual standard for PM10. EPA believes the control measures designed to bring the area into attainment for the 24-hour standard will further reduce annual emissions.

EPA finds the emission inventory to be comprehensive and accurate. EPA believes it provides a sufficient basis for the Lakeview attainment demonstration. This finding is consistent with the requirements of Sections 172(c)(3) and 110(a)(2)(K) of the Act.

C. RACM (Including RACT)

As noted, the Act requires states with moderate PM10 nonattainment areas designated after the 1990 amendments to submit attainment plans containing RACM (including RACT) within 18 months of designation. It also requires that attainment plans provide for the implementation of RACM (including RACT) no later than four years after designation (57 FR 13540).

Oregon met these deadlines by submitting the Lakeview Attainment Plan in 1995 and implementing appropriate and timely control measures.

ODEQ determined RACM (including RACT) for Lakeview by: (1) Conducting a cost and technical analysis of the area's emission sources; and (2) evaluating available control measures for meeting the attainment needs of the community.

The results of the emissions inventory and a chemical mass balance analysis indicated that emissions from residential wood combustion were the largest source category on days that exceeded the 24-hour PM10 NAAQS. This conclusion was based on an evaluation of an average exceedance day using 1991–1993 24-hour data. On a worst-case day basis, residential wood combustion emitted 77.0% of the PM10 mass. This is equivalent to 163.1 $\mu g/m^3$ of the total average actual PM10 mass (211.8 $\mu g/m^3$). ODEQ's analysis also indicated that actual industrial emissions were relatively minor in comparison, emitting just 3.0% [10] of the total PM10 mass on an average exceedance day, or 6.4 $\mu g/m^3$ of the total (211.8 $\mu g/m^3$).

This analysis clearly showed that PM10 values that exceeded the 24-hour NAAQS were linked to emissions from residential wood combustion. As a result, ODEQ concluded that an effective attainment strategy for the 24-hour NAAQS could focus controls on

[10] The Lakeview Lumber Products facility ceased operation and was dismantled in 1995, after the Lakeview SIP was submitted. ODEQ estimated that this would reduce total industrial emissions in Lakeview by one half.

this source category, specifically. More stringent controls on industrial emissions appeared to offer limited benefit, serving only to reduce what was already a minor contributor to exceedance day values.

Based on dispersion modeling, a RACT analysis, and the attainment needs of the community, ODEQ determined that the level of control for the two industrial sources that were operational at the time of submittal already met the intent of RACT.[11] Nevertheless, the Lakeview Attainment Plan takes a protective approach and includes two additional control elements.

Revisions to ODEQ's New Source Review Rules will lower the emission threshold that triggers offset requirements from 15 tons per year to 5. This 66% reduction will safeguard reductions gained from other control measures, ensuring they are not jeopardized by future industrial growth.

Also, one major source agreed to relinquish emission credits through a revision to the Plant Site Emission Limit in its Air Contaminate Discharge Permit, permanently reducing its allowable emissions by 70%.

EPA finds that the existing industrial controls in the Oregon SIP and those elements identified in the Lakeview Attainment Plan meet the RACT requirement for approvable RACM. This finding is supported by the fact that the full complement of control measures in the Lakeview Attainment Plan provide for attainment of the PM10 NAAQS by December 31, 1999.

1. Lakeview Attainment Strategy

Attainment of the 24-hour PM10 NAAQS by December 31, 1999, and continued maintenance of the annual PM10 NAAQS are based on the following creditable control measures: (1) Non-certified woodstove ban; (2) voluntary woodstove curtailment program; (3) low-income woodstove removal program; (4) residential open burning restrictions; and (5) revision to a Plant Site Emission Limit (PSEL).

The following table identifies the control measures in Lakeview's attainment strategy and summarizes anticipated emission reductions and credits, where applicable.

Summary—Lakeview PM10 Attainment Strategy

Control measures—1999 Attainment Year	24-hr credit requested	1999 emission reductions
a.Non-certified Woodstove Ban	22%	215
b. Voluntary Woodstove Curtailment Program	30%	202
c. Winter Road Sanding Controls	none	* *
d. Low-income Woodstove Removal Program	17%	88
e. Public Education Programs	none	* *
f. Residential Open Burning Restrictions[12]	50%	8
g. Wood Products PSEL Revisions	60%	830
h. Industrial Significant Emission Rate	none	* *
i. Offset Restrictions	none	* *
j. Forestry Slash Burning	none	* *
Total reductions claimed		1342
Reductions needed for attainment		1007
Excess reductions		335

* * Not calculated.

[12] Page A–32 of the plan states the approximately 328 tons of residential yard debris is burned each year between October and April generating 2.6 tons of PM10. The emission reduction credit claimed for residential open burning restrictions discussed in the attainment strategy section of this notice is based on these emission estimates. See also footnote 8.

EPA accepts the credits for these control measures as proposed. This decision considers the fact that the Lakeview nonattainment area has not monitored exceedance of the 24-hour PM10 NAAQS since 1994 and has never exceeded the annual standard.

a. Non-certified Woodstove Ban. The State of Oregon adopted a statewide rule prohibiting the sale of any used woodstove not certified under Oregon's 1986 woodstove emission standard (OAR 340–34–010). In addition, the Oregon State Building Code Agency amended its administrative rules to prohibit the installation of non-certified used woodstoves in new homes.

To enforce these provisions, ODEQ will investigate potential violations of the non-certified woodstove ban and take appropriate enforcement actions if necessary. ODEQ has also committed to public education and outreach activities to increase public awareness and compliance with the non-certified woodstove ban. The State Building Code Agency will enforce the regulations prohibiting the installation of non-certified woodstoves.

Prior to these regulations, approximately 21% of woodstoves purchased were non-certified. As a result of this ban, each new woodstove purchased in lieu of a non-certified woodstove will result in an estimated 50% per unit reduction in PM10 emissions. ODEQ estimates that this control will reduce Lakeview's PM10 emissions by 215 lbs per day in the attainment year. EPA accepts the 22% credit claimed for this control measure.

b. Voluntary Woodburning Curtailment Program. The Lakeview Voluntary Woodburning Curtailment Program is designed to limit the use of woodstoves and fireplaces when PM10 levels are most likely to exceed the 24-hour NAAQS. This voluntary curtailment program has been in operation and administered by the town of Lakeview since the fall of 1993.

The Lakeview Town Council formally adopted local ordinances implementing the Lakeview Air Quality and Voluntary Woodburning Curtailment Programs in February 1995. Also, the Lake County Board of Commissioners adopted complementary ordinances in March 1995.

The plan specifies that the Lakeview's Voluntary Woodburning Curtailment Program is operational between

[11] This finding is consistent with EPA's policy that RACM (including RACT) does not require implementation of all available control measures when: (1) an area can already achieve timely attainment; and (2) additional controls will not appreciably expedite attainment. See 57 FR 13540–13544.

November 1 and February 28, when PM10 levels are typically elevated. During this period, curtailment forecasts are made daily at 3:30 p.m. Air quality forecasts are based on the Klamath Falls curtailment advisory, a nearby community with similar airshed characteristics. If the correlation between these communities does not continue, the plan states ODEQ will develop a site specific forecasting equation for Lakeview.

The Lakeview Voluntary Woodburning Curtailment Program involves a three-tier advisory system with different burning restrictions based on the risk of exceedance. The advisory levels are: (1) GREEN—no restrictions, NAAQS violations unlikely, PM10 levels less than 80 μ/m^3 expected; (2) YELLOW—restrict unnecessary wood burning, NAAQS violations possible, PM10 levels between 81–150 μ/m^3 expected; (3) RED—restrict all wood burning (except homes with woodheat only), NAAQS violations likely, PM10 levels greater than 150 μ/m^3 expected.

The Lakeview Voluntary Woodburning Curtailment Program includes a woodstove survey and compliance protocol for conducting and evaluating woodheating visual surveys. These survey procedures and data collection tools assist Town officials with collecting information on compliance rates and resulting emission reductions.

The goal of the Lakeview curtailment program is to achieve a 30% compliance rate on the two to four days per year when NAAQS exceedances are most likely. The program is administered by the Town of Lakeview and endorsed by local ordinances. The Town of Lakeview conducts ongoing assessments of curtailment compliance rates and focuses efforts as needed on achieving its compliance goal.

ODEQ anticipates success in Lakeview similar to that achieved in other communities in Oregon with voluntary curtailment programs, including Medford, Klamath Falls, and La Grande.

EPA accepts the 30% credit claimed for this control measure based on a 202 lbs per day emission reduction. This finding considers the merit of the elements above, consistency with EPA guidance, and the success of similar programs in Oregon.

c. Winter Road Sanding Controls. The base year emissions inventory estimates that fugitive dust associated with roadways accounts for approximately 11% of the worst-case day emissions. In winter, the majority of these emissions are attributed to road de-icing and application of anti-skid materials. Due to the seasonal nature of this emission source, ODEQ chose not to pursue year-round RACM measures such as paving or transportation reduction plans. Instead, the control measures focus on reducing emissions from winter road sanding.

RACM for fugitive dust in Lakeview involves the following elements to be carried out by the Oregon Department of Transportation: (1) The use of cleaner, more durable aggregates; (2) the coordination with local officials of rapid aggregate cleanup after snow episodes; and (3) the continued study of liquid chemical deicers as an alternative to conventional sanding material.

While no credit is claimed, it is expected that this measure will reduce emissions when they are needed most, during winter-time inversions when air quality is most likely to become compromised.

d. Low-income Woodstove Removal Program. The woodstove removal program is an incentive based program that encourages the replacement of non-certified woodstoves with cleaner burning alternatives, such as certified stoves, kerosene heaters, and pellet stoves. The program targets low to moderate income households that use woodstoves as the primary source of heat.

In August 1994, the Town of Lakeview received a $200,000 State of Oregon Community Block Grant for the program. Matching funds included: (1) $5,000 and in-kind services from the Town of Lakeview; and (2) $2,000 from Lake County. The total sum, $207,000, enabled Lakeview to offer interest free, deferred payment loans for the replacement of inefficient woodstoves.

The credit claimed for this control measure is based on the assumption that non-wood heating systems would be the primary replacements for non-certified woodstoves. This assumption is consistent with County permit records that show an overwhelming preference (90%) for kerosene heating systems in woodstove change-outs.

EPA accepts the 17% credit claimed for this control measure based on an 88 lbs per day emission reduction.

e. Lakeview Public Education Program. ODEQ considers the Lakeview Public Education Program to be a cornerstone of the attainment plan's suite of residential wood combustion controls. This program is designed to educate the community about the hazards of particulate air pollution and encourage compliance with emission reduction programs.

Key elements of the public education program include: (1) radio public service announcements; (2) posters and brochures; (3) bulk mailings and mail inserts; (4) community meetings; (5) personal contact to promote proper woodheating practices; (6) press releases on clean air issues, Air Pollution Index Trends, and woodburning curtailment calls; (7) newspaper advertisements and radio announcements; (8) distribution of woodsmoke health effects information; (9) public speaking engagements and symposiums; (10) coordination with advisory committees; and (11) a burning advisory telephone system.

While no emission reduction credit is requested, these programs are integral to the success of other control measures. EPA believes this measure is central to the voluntary woodburning curtailment program, partially justifying that credit. EPA believes the Lakeview Public Education Program is an important part of the Lakeview attainment strategy.

f. Residential Open Burning Restrictions. The Lakeview Open Burning Ordinance contains restrictions on residential open burning within the urban growth boundary. No open burning is allowed except by special permit.

Permit conditions require that burning be allowed on GREEN curtailment advisory days only. Violation of permit conditions is punishable by civil penalty.

EPA accepts the 50% credit claimed for this control measure based on an 8 lbs per day emission reduction.

g. Wood Products Plant Site Emission Limit Revisions. According to the 1992 base year emission inventory, the Ostrander Construction Company's Freemont Sawmill accounts for 25% of the point source emissions. The facility's Plant Site Emission Limit (PSEL) as defined in its 1992 air contaminant discharge permit contained a credit of 34.2 lbs per hour (15 tons per year) as a result of the previous shutdown of the Wigwam burner. The company agreed to relinquish this credit to the Lakeview airshed.

The subsequent air contaminant discharge permit, effective September 29, 1994, reflected this reduction and changed the allowable emissions from a total of 1,190 lbs per day to 360 lbs per day.

EPA accepts the 60% credit claimed for this control measure, based on an 830 lbs per day emission reduction.

h. Industrial Significant Emission Rate. Oregon Administrative Rule 340–28–110 Significant Emission Rate provision for industrial sources was amended to add the Lakeview Nonattainment area. This provision will manage industrial emission growth by lowering the threshold for significant emission rate increases that trigger

emission offset requirements for new and modified sources.

As a result of this provision, the significant emission rate that triggers New Source Review for new and modified sources in Lakeview was reduced from 15 to 5 tons per year.

No formal emission reduction credit is claimed; however, this control measure is protective and will likely prevent increases industrial emissions that are not accounted for in the attainment plan.

i. Offset Restrictions. The offset requirements in OAR 340–28–1930 require any emission increase greater than 5 tons per year be fully offset. Emission increases greater than 15 tons per year require Lowest Achievable Emission Rate (LAER) controls.

No formal credit is claimed for this control measure. These provisions for future industrial growth are expected to protect the emission reductions achieved with the credited control measures.

j. Forestry Slash Burning. To reduce potential smoke impacts from forest slash burning, the Oregon Smoke Management Plan (ORS 477.515) will be amended to create a special protection zone for the Lakeview PM10 nonattainment area. This special protection zone will provide for the following voluntary restrictions on prescribed burning within 20 miles of the nonattainment area: (1) prohibition on burning if weather forecasts predict smoke impacts on the nonattainment area; (2) monitoring of burns for at least three days for potential smoke impacts on the nonattainment area; and (3) ban on fires from December 1 to February 15 when RED woodburning curtailment days are in effect.

D. Attainment Demonstration

1. Requirements

As noted, moderate PM10 nonattainment areas designated after the enactment of the 1990 Clean Air Act Amendments are required to submit an attainment demonstration which includes air quality modeling (CAA section 189(a)(1)(B)). This demonstration must show either the attainment of the NAAQS as expeditiously as practicable within six years of designation or that such a date is not practicable (CAA section 188(c)(1)). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539).

The 24-hour PM10 NAAQS is 150 μg/m^3. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 μg/m^3 is equal to or less than one. (40 CFR 50.600)

The annual PM10 NAAQS is 50 μg/m^3. This standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 μg/m^3.

While the Act requires SIP revisions for PM10 nonattainment areas to include an attainment demonstration for both the 24-hour and annual NAAQS, Lakeview has never exceeded the annual PM10 NAAQS. The monitored 24-hour exceedances which resulted in Lakeview's nonattainment designation are well delineated as winter-time events caused primarily by residential woodsmoke.

ODEQ requested in a August 15, 1994, letter to EPA that the Lakeview Attainment Plan be allowed to omit a demonstration based on the annual PM10 NAAQS. Based on review of the emission inventory and demonstrated lack of annual exceedances, EPA concurred with this request.

This decision is supported by the following facts: (1) The area has never exceeded annual standard; (2) all 24-hour exceedances are limited to the wood heating season; and (3) industrial sources do not significantly impact exceedance values. These facts are documented in the Lakeview Attainment Plan.

As a result of this earlier determination, the Lakeview Attainment Plan provides an attainment demonstration based on the 24-hour PM10 NAAQS only. All the following discussion with regard to Lakeview's attainment demonstration is based on the 24-hour NAAQS.

2. Methodology

EPA recommends that attainment demonstrations be conducted according to the PM10 SIP Development Guideline (June 1987). Federal regulations require demonstration of attainment ''by means of a proportional model or dispersion model or other procedure which is shown to be adequate and appropriate for such purposes'' (40 CFR 51.112). The preferred method is a combination of both dispersion and receptor modeling.

The regulation and guideline also allows the use of dispersion modeling alone, or the use of two receptor models in combination with proportional roll-back. In cases where dispersion models can-not or need-not be broadly applied, receptor modeling such as Chemical Mass Balance (CMB) is recommended. ODEQ chose the CMB receptor modeling approach for Lakeview due to the prevalence of stagnate, inverted airshed conditions. Also, when worst-case days occur, the airshed is heavily dominated by emissions from area sources such as woodstoves, fireplaces, and fugitive dust. Because, EPA has not developed an approved dispersion model for conditions of this type, Lakeview's attainment demonstration was not based on dispersion modeling.[13]

ODEQ conducted an attainment demonstration using receptor modeling proportional roll-back calculations to estimate the emission reductions required in 1999 to achieve the 24-hour NAAQS. While this method was relied upon as the primary authority for worst-case day source apportionment, two additional methods were used to validate various aspects of the CMB solutions. Emission inventory estimates and a dispersion modeling analysis of hog fuel boiler impacts at a reference monitor site were also used to verify the CMB results.

3. Results

The CMB, emission inventory, and dispersion modeling methods used to characterize the Lakeview airshed generated results that were in general agreement. This implies that the results form a credible basis for the attainment demonstration.

The emission inventory and receptor modeling methods of characterizing emissions in an airshed generated similar profiles for Lakeview. The two methods implicated the same significant source categories; and both methods generated analogous profiles for source apportionment.

Source apportionment for a future-year 24-hour worst-case day (attainment year 1999), suggested woodstoves were the primary source of PM10. According to the emission inventory, woodstove emissions would make up 46% of total PM10 mass on a 24-hour worst-case day in 1999. Similarly, the CMB analysis shows that woodstove emissions would comprise 69% of total PM10 mass.

Using a hypothetical PM10 mass value of 200 μg/m^3 for a 1999 worst-case day for illustration, the emissions inventory results suggest that 92 μg/m^3 of this total would be from residential woodsmoke. The CMB analysis results suggest that 138 μg/m^3 of the total would be from residential woodsmoke. The proportion of total mass attributable to woodsmoke are in general agreement. Both suggest that significant reductions in this source could bring total 24-hour

[13] EPA's 1990 memo from Robert Bauman regarding ''simple airsheds'' allows the use of proportional roll-back modeling in lieu of dispersion modeling when local impacts are attributable to only a few, well characterized source categories.

PM10 mass values below the NAAQS, 150 μg/m³.

Results from the dispersion modeling of industrial source emissions from a hog fuel boiler were also in agreement with the CMB analysis. The CMB analysis indicates a mean contribution of 6.3 μg/m³. The dispersion model indicates levels above and below this estimate depending on the data set used (0.3 μg/m³. − 7.4 μg/m³); however, the results overall support the CMB analysis, indicating a relatively low impact from this industrial point source.

EPA guidance on CMB modeling specifies that the apportionment should account for at least 80% of the measured aerosol mass. ODEQ's analysis met this requirement and accounted for an average 92% mass.

ODEQ determined the 1992 24-hour worst-case day design value without controls to be 217 μg/m³ using EPA's table look up procedure. Other estimates generated with EPA approved methods were close to, but less than 217 μg/m³. This base year design value was used because it was more conservative and more protective.

This value was adjusted for emission growth expected to occur between the base year (1992) and the attainment year (1999). This resulted in a 1999 worst-case day design value of 232.8 μg/m³. This design value was used to estimate emission reductions needed to attain the PM10 NAAQS in 1999.

Based on the 232.8 μg/m³ design value, ODEQ estimated that 1999 worst-case day emissions must be reduced by 37%, or 83 μg/m³. This is equivalent to 1007 lbs PM10 emissions per day. Thus, to attain the standard, the total emission reductions achieved by the control measures in the attainment strategy must be greater than or equal to 83 μg/m³, or 1007 lbs per 1999 worst-case day.

The previously discussed control measures will reduce emissions by 1342 lbs per worst-case day, creating a 335 lbs per day safety margin. According to proportional roll-back modeling, this reduction will result in a worst-case day ambient concentration of 122.5 μg/m³. This concentration is below 150 μg/m³ and demonstrates attainment of the applicable 24-hour PM10 NAAQS.

EPA approves the attainment demonstration. This decision considers the fact that the area has not monitored any PM10 exceedances since 1994. Air quality monitoring data indicates that Lakeview has attained the 24-hour PM10 NAAQS and continues to maintain the annual PM10 NAAQS.

It is EPA's opinion that the appropriate air quality model was used and all significant emission sources and impacts were considered. The attainment plan demonstrates attainment of the 24-hour PM10 NAAQS by 1999 and maintenance through 2009. EPA also finds that the plan demonstrates continued maintenance of the annual PM10 NAAQS through 2009.

E. PM10 Precursors

The control requirements that apply to major stationary sources of PM10 also apply to major stationary sources of PM10 precursors, unless EPA determines such sources do not contribute significantly to PM10 levels in excess of the NAAQS (CAA § 189(e)). The General Preamble contains guidance addressing how EPA intends to implement Section 189(e) (57 FR 13539–13542).

ODEQ's technical analysis indicates that emissions from industrial point sources have considerably less impact on the 24-hour standard than residential wood combustion in the Lakeview nonattainment area. Residential wood combustion is further implicated because violations of the 24-hour standard have consistently occurred during the wood burning season during extended periods of cold temperature and airshed stagnation.

The CMB analysis also indicates that secondary particulates are not a major component of the area's PM10 emissions. This analysis identifies that, on an adjusted average winter exceedance day, only 4.4% of the average actual PM10 mass is secondary particulate. This equals approximately 9.32 μg/m³ of the total average actual (211.8 μg/m³) per day.

EPA believes that sources of PM10 precursors do not contribute significantly to PM10 levels in excess of the NAAQS in the Lakeview nonattainment area. EPA grants Lakeview exclusion from the control requirements authorized under Section 189(e) of the Act for major stationary sources of PM10 precursors.

This general finding is based on the current character of the area. It is possible that future growth will change the significance of precursors in the area and warrant reconsideration of this finding.

F. Quantitative Milestones and Reasonable Further Progress

PM10 nonattainment area plan SIP revisions demonstrating attainment must contain quantitative milestones to be achieved every three years until the area is redesignated to attainment. Achieving these incremental reductions in PM10 emissions demonstrates reasonable further progress, as defined in Section 171(1) of the Act (see also CAA section 189(c)).

In its interpretation of Section 189(c), the General Preamble states that the first three-year period begins on the due date for the applicable implementation plan revision containing control measures for the area (57 FR 13539). EPA believes that at least two milestones should be addressed initially. Once a milestone has passed, the state must demonstrate that the milestone was achieved (CAA section 189(c)(2)).

The Lakeview submittal, received by EPA on June 1, 1995, must demonstrate reasonable further progress for the time periods April 1995–1998 and April 1998–2001 unless the area attains sooner.

The Lakeview Attainment Plan demonstrates attainment of the PM10 NAAQS by December 31, 1999, and maintenance of the NAAQS through 2009. The plan satisfies at least two milestones.

EPA approves the submittal as meeting the quantitative milestone requirement currently due (April 25, 1998). This is supported by the lack of monitored exceedances since 1994.

G. Enforceability

All emission limits and control in a SIP must be enforceable by ODEQ and EPA (see CAA section 172(c)(6), CAA section 110(a)(2)(A), and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987, memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, Thomas L. Adams Jr., Assistant Administrator for Enforcement and Compliance Monitoring, and Francis S. Blake, General Counsel, ''Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency''. Nonattainment area provisions must also contain a program that provides for the enforcement of the control measures and the regulation of modifications and construction of any stationary source within the area as necessary to assure the NAAQS are achieved (CAA section 110(a)(2)(c)).

EPA has reviewed the Lakeview Attainment Plan and finds it enforceable with regard to the considerations discussed above. EPA believes the plan, including those control measures relied upon for attainment, satisfies applicable requirements and is fully enforceable by the state.

The specific control measures contained in the Lakeview Attainment Plan are discussed in this Federal Register notice under III. Analysis of State Submission, C. RACM (including RACT). These control measures apply throughout the nonattainment area and to all applicable activities, including

residential woodstove use and other woodburning activities.

The following summarizes the state, city, county, and interagency commitments that EPA approves as part of the Oregon SIP. These include required control measures (noted with abstricts) and SIP strengthening measures.

a. State of Oregon Rules. (1) OAR Division 34*. This division establishes rules to control, reduce, and prevent air pollution caused by residential woodheating emissions. *Ban on Used Woodstove Sales*—OAR 340–34–101 through 340–34–020. These rules establish requirements for the sale of new and used woodstoves, specifically prohibiting the sale and resale of non-certified woodstoves. *Woodstove Certification Program*—OAR 340–34–045 through 340–34–115. These rules require all new stoves, unless specifically exempted, to be certified by the Administrator and be in compliance with particulate emission limits specified in federal regulations.

(2) OAR 340–28–110. Revisions to the Significant Emission Rate Rule apply ''Table 3'' Significant Emission Rate Levels to the Lakeview PM10 nonattainment area.

(3) OAR 340–28–1930. The Lakeview Industrial Emission Offset Rule requires that new major sources or major modifications that increase PM10 emissions more than 5 tons per year be fully offset. LAER technology may be applied in lieu of offsets.

(4) OAR 340–30–200 through 340–30–255. These rules establish industrial dust RACM and special requirements for operation and maintenance plans for sources in the Lakeview urban growth area.

b. City Resolutions and Ordinances. (1) Resolution No. 402. This Town of Lakeview resolution establishes and defines a Lakeview Air Quality Improvement Program to cooperatively restore and maintain healthful air quality within the Town of Lakeview.

(2) Ordinance No. 748*. This Town of Lakeview ordinance prohibits the use of solid fuel burning devices during an Air Pollution Alert Period (unless specifically exempted) and prohibits the rent or lease of property not equipped with an Alternative Heat Source (on or after two years from effective date).

(3) Ordinance No. 749*. This Town of Lakeview ordinance prohibits the burning of solid waste and places additional restrictions on open burning.

c. County Resolutions and Ordinances. (1) Resolution March 15, 1995. This Lake County resolution establishes the Lake County Commission's commitment to cooperatively implement the Lakeview Air Quality Improvement Program within the Lakeview urban growth boundary.

(2) Ordinance No. 29*. This Lake County ordinance prohibits the use of solid fuel burning devices during an Air Pollution Alert Period (unless specifically exempted) and prohibits the rent or lease of property not equipped with an Alternative Heat Source (on or after two years from effective date).

(3) Ordinance No. 30*. This Lake County ordinance prohibits the burning of solid waste and places additional restrictions on open burning.

d. Interagency Commitments. (1) Winter Road Sanding Program. An Oregon Department of Transportation, Highway Division Memorandum of Understanding, establishes the Agency's commitment to: (a) identify and utilize cleaner sanding materials; and (b) clean-up spent sanding material promptly.

(2) Forestry Smoke Management Plan. Oregon Department of Forestry amendments to this plan (ORS 477.515) create a special protection zone for the Lakeview nonattainment area.

H. Contingency Measures

As provided in Section 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures (57 FR 13543–13544).

Contingency measures consist of other available measures that are not part of the area's initial control strategy. These measures must take effect without further action by the State or EPA upon determination by EPA that the area has either: (1) Failed to attain the PM10 NAAQS by the applicable deadline; or (2) failed to make reasonable further progress.

EPA guidance recommends that the emission reductions expected from the implementation of the contingency measures equal 25% of the total reduction in actual emissions expected from the plan's control strategy (57 FR 13544). EPA believes that contingency measures must, at a minimum, provide for continued progress toward attainment during the time between an area's failure to attain and the state's adoption of additional measures required by reclassification to serious, where applicable (57 FR 13511).

The Lakeview Attainment Plan contains three contingency measures. ODEQ estimates that these controls will reduce PM10 emissions an additional 249 lbs per day by the year 1999 if implemented. This represents 25% of expected 1999 emissions after the application of other control measures. This meets the requirements for contingency measure reductions applicable to moderate nonattainment areas. The specific contingency measures are:

1. Mandatory Woodstove Curtailment Program

This measure upgrades the Lakeview voluntary curtailment program to a mandatory program, including enforcement provisions, procedures, penalties, and exemptions. This provision is contained in the Town of Lakeview Air Quality Resolution No. 402. State backup authority exists in OAR 340–34–150 through OAR 340–34–175. This requires the State to implement a mandatory program should the local government fail to do so.

2. Removal of Non-certified Woodstoves

This is State backup authority for requiring the removal of non-certified woodstoves upon the sale of a home, as contained in OAR 340–34–200 through 340–34–215. This provision will be implemented automatically, if necessary to demonstrate RFP or attainment of the NAAQS.

3. Prescribed Burning

As a contingency, a mandatory forest slash burning program would be implemented if slash burning smoke is found to be a significant contributor to PM10 nonattainment.

EPA approves the contingency measures for the Lakeview nonattainment area.

IV. Implications of This Action

EPA approves the Lakeview, Oregon, PM10 Control Plan as a revision to the Oregon State Implementation Plan. This attainment plan was submitted to EPA on June 1, 1995.

EPA finds that the SIP revision meets the requirements for a moderate nonattainment area and demonstrates attainment of the PM10 NAAQS by the applicable deadline. The fact that Lakeview has not experienced an exceedance of the 24-hour PM10 NAAQS since 1994 and has never exceeded the annual PM10 NAAQS further supports this finding. EPA's action includes approval of the plan's contingency measures.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Oregon Notice Provision

During EPA's review of a SIP revision involving Oregon's statutory authority, a problem was detected which affected the enforceability of point source permit limitations. EPA determined that, because the five-day advance notice provision required by ORS 468.126(1) (1991) bars civil penalties from being imposed for certain permit violations, ORS 468 fails to provide the adequate enforcement authority that a state must demonstrate to obtain SIP approval, as specified in Section 110 of the Clean Air Act and 40 CFR 51.230. Accordingly, the requirement to provide such notice would preclude federal approval of a Section 110 SIP revision.

To correct the problem the Governor of Oregon signed into law new legislation amending ORS 468.126 on September 3, 1993. This amendment added paragraph ORS 468.126(2)(e) which provides that the five-day advance notice required by ORS 468.126(1) does not apply if the notice requirement will disqualify a state program from federal approval or delegation. ODEQ responded to EPA's understanding of the application of ORS 468.126(2)(e) and agreed that, because federal statutory requirements preclude the use of the five-day advance notice provision, no advance notice will be required for violations of SIP requirements contained in permits.

B. Oregon Audit Privilege

Another enforcement issue concerns Oregon's audit privilege and immunity law. Nothing in this action should be construed as making any determination or expressing any position regarding Oregon's Audit Privilege Act, ORS 468.963 enacted in 1993, or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act Program resulting from the effect of Oregon's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, Sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under Section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

C. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

D. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule.

E. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be Economically significant as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks

F. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified Section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments To provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under Section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act,

preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

H. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

J. Petitions for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: August 23, 1999.

Chuck Findley,

Acting Regional Administrator, Region 10.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (128) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(128) On June 1, 1995 the State of Oregon submitted to EPA an attainment plan for the Lakeview PM10 nonattainment area. This SIP revision is designed to bring about the attainment of the PM10 NAAQS in Lakeview and satisfy Federal requirements applicable to moderate PM10 nonattainment areas.

(i) Incorporation by reference.

(A) June 1, 1995 letter from the Director, Oregon Department of Environmental Quality, the Governor's designee, to Region 10 Regional Administrator, EPA, submitting the Lakeview, Oregon PM10 Control Plan.

(B) Revision to the Oregon State Implementation Plan: Lakeview, Oregon PM10 Control Plan; Appendix 3, Lakeview Detailed Emissions Inventories; Appendix 4, Ordinances and Commitments; Appendix 5, Demonstration of Attainment; Appendix 9, Woodburning Curtailment Survey Protocol; Appendix 10, Legal Description of Lakeview PM10 Nonattainment Area.

(C) Supporting regulations approved as part of the revision, state effective May 1, 1995: OAR 340–20–047; OAR 340–21–010, –012, –025, –200; OAR 340–30–043, –300, –310, –340; OAR 340–34–150, –200, –210.

[FR Doc. 99–24447 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300903; FRL–6097–8]

RIN 2070–AB78

Sulfentrazone; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide in or on sunflowers, lima beans, and cowpeas. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sunflowers, lima beans, and cowpeas. This regulation establishes a maximum permissible level for residues of sulfentrazone in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). The tolerances will expire and is revoked on December 30, 2000.

DATES: This regulation is effective September 21, 1999. Objections and requests for hearings must be received by EPA on or before November 22, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300903], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations

Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300903], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300903]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Jacqueline E. Gwaltney, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 278, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–6792, gwaltney.jackie@epamail@epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(l)(6) of the FFDCA, 21 U.S.C. 346a, is establishing a tolerance for residues of the herbicide *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide, in or on sunflowers, lima bean, and cowpeas at 0.1 part per million (ppm). This tolerance will expire and is revoked on December 30, 2000. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Findings

The FQPA (Public Law 104–170) was signed into law August 3, 1996. FQPA amends both the FFDCA, 21 U.S.C. 301 *et seq*., and the FIFRA, 7 U.S.C. 136 *et seq*. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described in this preamble and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Sulfentrazone on Sunflowers, Lima Beans, and Cowpeas and FFDCA Tolerances

North Dakota claims that there is an emergency situation regarding herbicide resistant weeds, especially kochia that has seriously reduced sunflower yields in all production systems. They also claimed that reduced till and no-till farmers need an herbicide tool, such as sulfentrazone, that does not need to be incorporated and will allow efficient, cost-effective control of broadleaf weeds. Presently there is no such tool available. North Dakota requested the use of sulfentrazone in order to eliminate the emergency. EPA has authorized under FIFRA section 18 the use of sulfentrazone on sunflowers for control of kochia in North Dakota.

Tennessee claims that the hophorn beam coppperleaf has increased in recent years, and has become such an overwhelming pest that entire fields were abandoned in 1995. The fields in question constitute some of the most fertile agricultural land in West Tennessee, an area where farming and agriculturally-related businesses are the primary sources of income. The registered alternative, does not provide effective control for the entire season.

After having reviewed these submissions, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of sulfentrazone in or on sunflowers, lima beans, and cowpeas. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on December 30, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on sunflowers, lima beans, and cowpeas after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time

of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions, EPA has not made any decisions about whether sulfentrazone meets EPA's registration requirements for use on sunflowers, lima beans, and cowpeas or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of sulfentrazone by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than North Dakota and Tennessee to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for sulfentrazone, contact the Agency's Registration Division at the address provided under the ''ADDRESSES'' section.

III. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of sulfentrazone and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for combined residues or residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide on sunflowers at 0.1 ppm, and on bean, succulent seed with pod (lima beans & cowpeas) at 0.1 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by sulfentrazone are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity*. For the acute analysis, the EPA selected two endpoints, one for the Females 13+ population subgroup and another for the General population (including infants and children). For the Females 13+ population subgroup, a Reference dose (RfD) of 0.10 milligrams/kilograms/day (mg/kg/day) from a no observable adverse effect level (NOAEL) = 10.0 was established based on decreased fetal weight and retarded skeletal development seen in a developmental rat study at a lowest observable adverse effect level (LOAEL) of 25 mg/kg/day. For the General population (including infants and children), an RfD of 2.5 mg/kg/day (NOAEL = 250) was established from an acute neurotoxicity study in rats. This endpoint is based upon increased clinical signs (abdominal gripping, abdominogenital staining, and/or reddish-brown staining under the cage), EPA findings, and decreased motor activity (which were reversed by day 14 postdose) at a LOAEL of 750 mg/kg/day. An uncertainty factor (UF) of 100X was applied to account for both interspecies extrapolation 10X and intraspecies variability 10X.

2. *Chronic toxicity*. For the chronic analysis, the EPA selected an RfD of 0.14 mg/kg/day (NOAEL = 14.0) based on significant toxic effects observed primarily in the second generation animals in a 2–generation rat reproduction study at a LOAEL of 33/44 mg/kg/day in males and females, respectively. A UF of 100X was applied to account for both interspecies extrapolation 10X and intraspecies variability 10X.

3. *Carcinogenicity*. The Agency determined that sulfentrazone should be classified as a ''Group E'' chemical (not likely to be carcinogenic to humans via relevant routes of exposure). This weight of the evidence judgment was largely based on the absence of significant tumor increases in two adequate rodent carcinogenicity studies.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.498) for the combined residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide, in or on a variety of raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures and risks from sulfentrazone as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. An acute dietary risk assessment is required for sulfentrazone.

Since two endpoints were selected for risk assessment, the acute dietary analyses were conducted for two main population subgroups, the Females 13+ subgroup and the General population (including infants, children, and adult males (excluding Females 13+)). The acute RfDs for the Females 13+ subgroup and the General population are 0.10 mg/kg/day and 2.5 mg/kg/day, respectively. The acute population adjusted doses (aPADs) are 0.01 mg/kg/day (0.10 mg/kg/day ÷ 10 = 0.01 mg/kg/day) and 0.25 mg/kg/day (2.5 mg/kg/day ÷ 10 = 0.25 mg/kg/day) for the Females 13+ subgroup and the General population, respectively.

Separate Tier 1 acute dietary exposure analyses were performed using tolerance level residues and 100% crop treated (CT) information. Dietary exposures and associated acute risk for the Females 13+ population subgroup at the 95th percentile are shown in Table 1 below.

Table 1- Summary of Results of Acute DEEM Analysis for Sulfentrazone (Females 13+)

Subgroups Exposure	(mg/kg/day)	% aPAD
Females (13+, pregnant, not nursing).	0.000515	5.2
Females (13+, nursing).	0.000702	7.0
Females (13–19 years, not pregnant, not nursing).	0.000663	6.6
Females (20+ years, not pregnant, not nursing).	0.000501	5.0
Females (13–50 years).	0.000562	5.6

Dietary exposures and associated acute risk for the General population including infants and children at the 95th percentile are shown in Table 2 below. The other subgroups included in Table 2 represent the highest dietary exposures for their respective subgroups (i.e., children and the other General population subgroups higher than U.S. population).

Since the EPA determined to retain the factor of 10X, the PAD was used in this risk assessment. The PAD is equal to the acute or chronic RfD divided by the FQPA Safety Factor. Therefore, the Agency's level of concern is for values >100% PAD.

Table 2. - Summary of Results of Acute DEEM Analysis for Sulfentrazone (General Population Including Infants and Children)

Subgroups Exposure	(mg/kg/day)	%aPAD
U.S. Population (48 Contiguos States).	0.000901	<1
Non-Hispanic Blacks.	0.001016	<1
Non-nursing Infants (<1 year).	0.001599	<1
Children (1–6 years).	0.001513	<1

The %aPADs for the Females 13+ subgroup were <100%, and the highest was 7.0% for Females (13+/nursing). The %aPADs for the General population (including infants and children) were <100%, and the highest subgroups (as shown in Table 3) had %aPADs of <1%. For acute dietary risk, the Agency's level of concern is >100% aPAD. The results of the acute analyses indicate that the acute dietary risks associated with the existing and proposed uses of sulfentrazone are well below the Agency's current level of concern.

ii. *Chronic exposure and risk.* A chronic dietary risk assessment is required for sulfentrazone. The chronic RfD used for the chronic dietary analysis for sulfentrazone is 0.14 mg/kg/day. Therefore, the chronic population adjusted dose (cPAD) is 0.014 (0.14 mg/kg/day ÷ 10 = 0.014 mg/kg/day) for chronic dietary exposure for All Populations which include Infants and Children. The chronic dietary exposure analysis used mean consumption (3–day average) data. A Tier 1 chronic dietary exposure assessment was performed using tolerance level residues and 100% crop treated (CT) information for all commodities as well. Since the Agency determined to retain the factor of 10X, the PAD was used in this risk assessment. The PAD is equal to the acute or chronic RfD divided by the FQPA Safety Factor. Therefore, the Agency's level of concern is for values >100% PAD.

Chronic dietary exposures for the General population and other subgroups are presented in Table 3 below. The other subgroups included in Table 3 represent the highest dietary exposures for their respective subgroups (i.e., children, females, and the other General population subgroups higher than U.S. population).

Table 3. Summary of Results from Chronic DEEM Analysis of Sulfentrazone

Subgroups Exposure	(mg/kg/day)	% cPAD
U.S. Population (48 Contiguous States).	0.000343	2.4
Non-Hispanic Other Than Black or White.	0.000372	2.7
Non-nursing Infants (<1 year).	0.000778	5.6
Children (1–6 years)	0.000773	5.5
Females (13+, not pregnant or nursing).	0.000318	2.3
Males (13–19 years)	0.000382	2.7

The %cPADs for all subgroups were <100%, and the highest was 5.6% for non-nursing infants (<1 year) and children (1–6 years). The results of the chronic analysis indicate that the chronic dietary risk associated with the existing and proposed uses of sulfentrazone is well below the Agency's current level of concern.

2. *From drinking water.* Drinking Water Level of Comparison (DWLOC) is a theoretical upper limit on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and through residential uses. A DWLOC will vary depending on the toxic endpoint, with drinking water consumption and body weights. Different populations will have different DWLOCs.

The Agency uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for pesticides, it is used as a point of comparison against conservative model estimates of a pesticide's concentration in water.

DWLOC values are not regulatory standards for drinking water. They do have an indirect regulatory impact through aggregate exposure and risk assessments.

EPA does not have monitoring data available to perform a quantitative drinking water risk assessment for sulfentrazone at this time. Thus, ground and surface water exposure estimates were used for sulfentrazone on sunflowers.

i. *Chronic exposure and risk.* Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfDs or acute dietary NOAELs) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause sulfentrazone to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with sulfentrazone in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether sulfentrazone has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, sulfentrazone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfentrazone has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since there are no residential uses for sulfentrazone, the aggregate exposure only includes food and water.

From the acute dietary (food only) risk assessments, high-end exposure estimates were calculated for the two main subgroups, Females 13+ years and the General population. For the subgroup Females 13+, the percentages of the aPAD that will be utilized by acute dietary (food only) exposure to residues of sulfentrazone range from 5.7% for Females (20+ yrs, not pregnant, not nursing) to 7.9% for Females (13+, pregnant, not nursing). For the General population subgroup, which includes the U.S. population and the most highly exposed subgroups (non-Hispanic Blacks, non-nursing infants (<1 year), and children (1–6 years)), <1% of the aPAD is occupied by acute dietary food exposure. The low %aPADs calculated for the Female 13+ subgroup and the General population provide assurance that there is reasonable certainty that no harm will be caused to infants, children, or adults from acute aggregate exposure to sulfentrazone residues.

The maximum estimated concentrations of sulfentrazone in surface and ground water are less than the Agency's DWLOCs for sulfentrazone as a contribution to acute aggregate exposure. Therefore, OPP concludes with reasonable certainty that residues of sulfentrazone in drinking water do not contribute significantly to the acute aggregate human health risk at the present time considering the present uses and the uses proposed in this action.

The Agency bases this determination on a comparison of estimated concentrations of sulfentrazone in surface waters and ground waters to levels of comparison for sulfentrazone in drinking water. The estimates of sulfentrazone in surface and ground waters are derived from water quality models that use conservative assumptions regarding the pesticide transport from the point of application to surface and ground water. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of sulfentrazone on drinking water as a part of the acute aggregate risk assessment process.

2. *Chronic risk.* Since there are no residential uses for sulfentrazone, the aggregate exposure only includes food and water.

For the U.S. population, 2% of the cPAD is occupied by dietary (food) exposure. For the most highly exposed subgroups, non-nursing infants (<1 year) and children (1–6 years), 6% of the cPAD is occupied by dietary food exposure. The estimated average concentrations of sulfentrazone in surface and ground water are less than EPA's levels of comparison for sulfentrazone in drinking water as a contribution to chronic aggregate exposure. Therefore, EPA concludes with reasonable certainty that residues of sulfentrazone in drinking water do not contribute significantly to the chronic aggregate human health risk at the present time considering the present uses and uses proposed in this action.

EPA bases this determination on a comparison of estimated concentrations of sulfentrazone in surface waters and ground waters to levels of comparison for sulfentrazone in drinking water. The estimates of sulfentrazone in surface and ground waters are derived from water quality models that use conservative assumptions regarding the pesticide transport from the point of application to surface and ground water. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of sulfentrazone on drinking water as a part of the aggregate chronic risk assessment process.

3. *Short- and intermediate-term risk.* Since there are no residential uses or exposure scenarios, short- and intermediate-term aggregate risk assessments were not conducted.

4. *Aggregate cancer risk for U.S. population.* Sulfentrazone has been classified as a ''Group E'' chemical (not likely to be carcinogenic to humans via relevant routes of exposure) by the RfD/Peer Review Committee. Therefore, no cancer dietary exposure analysis was performed.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to sulfentrazone residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children* — i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of sulfentrazone, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined interspecies and intraspecies variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies* — a. *Rats.* In EPA's oral developmental study in rats, the maternal (systemic) NOAEL was 25 mg/kg/day, based on increased relative spleen weights and splenic extramedullary hematopoiesis at the LOAEL of 50 mg/kg/day. The developmental (fetal) NOAEL was 10 mg/kg/day, based on decreased mean fetal weight and retardation in skeletal development as evidenced by increased numbers of litters with any variation and by decreased numbers of caudal vertebral and metacarpal ossification sites at the LOEL of 25 mg/kg/day.

In the dermal developmental study in rats, the maternal (systemic) NOAEL was ≧250 mg/kg/day and a LOAEL was not determined. The developmental (fetal) NOAEL was 100 mg/kg/day, based on decreased fetal weight and increased fetal variations (hypoplastic or wavy ribs, incompletely ossified lumbar vertebral arches, incompletely ossified ischia or pubes, and reduced numbers of thoracic vertebral and rib ossification sites) at the LOAEL of 250 mg/kg/day.

b. *Rabbits.* In the oral developmental toxicity study in rabbits, the maternal

(systemic) NOAEL was 100 mg/kg/day, based on increased abortions, clinical signs (decreased feces and hematuria), and reduced body weight gain during gestation at the LOAEL of 250 mg/kg/day. The developmental (pup) NOAEL was 100 mg/kg/day, based on increased resorptions, decreased live fetuses per litter, and decreased fetal weight at the LOAEL of 250 mg/kg/day.

iii. *Reproductive toxicity study — Rats.* In the 2–generation reproductive toxicity study in rats, the maternal (systemic) NOAEL was 14/16 mg/kg/day in males and females, respectively, based on decreased maternal body weight and/or body weight gain during gestation in both P and F1 generations, and reduced premating body weight gains in the second generation (F1 adults) at the LOAEL of 33/40 mg/kg/day for males and females, respectively. The developmental (pup) NOEL was 14/16 mg/kg/day based on: (a) Reduced prenatal viability (fetal and litter); (b) reduced litter size; (c) increased number of stillborn pups; (d) reduced pup and litter postnatal survival and; (e) decreased pup body weights throughout lactation at the LOAEL of 33/40 mg/kg/day. The reproductive NOAEL was 14/16 mg/kg/day, based on: (a) Increased duration of gestation in both F1 and F2 dams; (b) decreased fertility in F1 generation (males); and/or (c) atrophy of the germinal epithelium of the testes, oligospermia and intratubular degeneration of the seminal product in the epididymis at the LOAEL of 33/40 mg/kg/day.

iv. *Prenatal and postnatal sensitivity.* The toxicological data base for evaluating prenatal and postnatal toxicity for sulfentrazone is complete with respect to current data requirements. Based on the developmental and reproductive toxicity studies discussed above for sulfentrazone there appears to be prenatal and postnatal sensitivity. Based on the above, the Agency concludes that reliable data support use of a 1,000-fold margin/factor, to protect infants and children.

v. *Conclusion.* There is a complete toxicity data base for sulfentrazone and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* Acute RfD = 2.5 mg/kg/day. For acute dietary risk, the Agency recommended use of the NOAEL of 250 mg/kg/day with an uncertainty factor of 100, based on increased incidences of clinical signs (abdominal gripping, abdominogenital staining, and or/reddish-brown staining under the cage), EPA findings, and decreased motor activity which were reversed by day 14 post dose at a LOAEL of 750 mg/kg, from an acute neurotoxicity study in rats. There was no evidence of neuropathology at the high dose (2,000 mg/kg).

3. *Chronic risk.* RfD = 0.14 mg/kg/day. For chronic dietary risk assessment the Agency recommended use of the NOAEL of 14 mg/kg/day with an uncertainty factor of 100, based on: (a) Decreased maternal body weight and/or body weight gain during gestation in both P and F1 generations; (b) reduced premating body weight gains in the second generation (F1 adults); (c) increased duration of gestation in both F1 and F2 dams; (d) reduced prenatal viability (fetal and litter); (e) reduced litter size; (f) increased number of stillborn pups; (g) reduced pup and litter postnatal survival; (h) decreased pup body weights throughout lactation; (i) decreased fertility in F1 generation males; and (j) atrophy of the germinal epithelium of the testes, oligospermia and intratubular degeneration of the seminal product in the epididymis at the LOAEL of 33/44 mg/kg/day for males and females, respectively, from a 2–generation reproductive toxicity study in rats.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to sulfentrazone residues.

IV. Other Considerations

A. Metabolism in Plants and Animals

1. *Plants.* No plant metabolism study was submitted with this petition. However, the nature of the residue in soybeans and rotational crops is adequately understood. The residues of concern in soybeans are the parent plus the metabolite 3-hydroxymethyl sulfentrazone. The residues of concern in the rotational crops are the parent plus the metabolites 3-hydroxymethyl sulfentrazone and 3-desmethyl sulfentrazone.

EPA translated the sunflower plant metabolism data in support of the use of sulfentrazone on lima beans and cowpeas. Due to the uncertainty of the nature of the residue of sulfentrazone in lima beans and cowpeas, the residues of concern will be the parent plus the metabolites 3-hydroxymethyl sulfentrazone and 3-desmethyl sulfentrazone.

2. *Animals.* There will be no animal feed items associated with the proposed use provided that the label is modified to specify the following restriction: Do not allow livestock to graze on treated plants or feed treated plants or plant trash to livestock.

B. Analytical Enforcement Methodology

An analytical methodology for the determination of sulfentrazone, 3-desmethyl sulfentrazone, and 3-hydroxymethyl sulfentrazone residues in/on various matrices was submitted with the petition. A petition method validation (PMV) was successfully completed by Analytical Chemistry Laboratory (ACL). The Limit of Quantitation (LOQ) and Minimum Detection Limit (MDL) were determined to be 0.05 ppm and 0.005–0.025 ppm, respectively. EPA concluded that the method was suitable for enforcement purposes.

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. International Residue Limits

There are no Codex, Canadian or Mexican residue limits established for sulfentrazone on lima beans and cowpeas. Therefore, no compatibility problems exist for the tolerances.

D. Rotational Crop Restrictions

Rotational field trial data for wheat, corn, rice and sorghum were submitted in support of a petition for a sulfentrazone tolerance on soybeans. Permanent tolerances have been established on cereal grains (excluding sweet corn) when planted in rotation with the primary crop soybeans. The suggested rotational crop restrictions on the section 18 label pertaining to this petition are the same as those on the label for soybeans. Therefore, additional rotational crop data are not necessary for this action.

V. Conclusion

Therefore, the tolerance is established for combined residues of *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl] phenyl] methanesulfonamide in sunflowers, lima beans, and cowpeas at 0.1 ppm.

VI. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new

section 408(l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by November 22, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the ''ADDRESSES'' section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300903] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal

governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IX. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. In § 180.498, by revising the heading to paragraph (a); redesignating the existing paragraph (b) as paragraph (d) and revising the heading; adding a new paragraph (b); and adding and reserving paragraph (c) to read as follows:

§ 180.498 Sulfentrazone; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* Time limited tolerances are established for residues of the herbicide *N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-y-l] phenyl] methanesulfonamide, in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerance is specified in the following table. The tolerances expire and will be revoked by EPA on the date specified in the table.

Commodity	Parts per million	Expiration/revocation date
Bean, succulent seed without pod (lima beans & cowpeas).	0.1	12/30/00
Sunflower	0.1	12/30/00

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*

* * * * *

[FR Doc. 99–24509 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive

Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Coconino (FEMA Docket No. 7288.	City of Flagstaff	April 20, 1999, April 29, 1999, *Arizona Daily Sun.*	The Honorable Christopher J. Bavasi, Mayor, city of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	March 17, 1999	040020
Arkansas: Crittenden (FEMA Docket No. 7288).	City of Memphis ...	April 20, 1999, April 27, 1999, *Evening Times.*	The Honorable William H. Johnson, Mayor, City of West Memphis, P.O. Box 1728, West Memphis, Arkansas 72303.	March 30, 1999	050055
California: Los Angeles (FEMA Docket No. 7288)	City of Los Angeles.	April 22, 1999, April 29, 1999, *Los Angeles Times.*	The Honorable Richard J. Riordan, Mayor, city of Los Angeles, City Hall, Room 305, 200 North Main Street, Los Angeles, California 90012.	March 12, 1999	060137
Colorado:					
Douglas (FEMA Docket No. 7288).	Unincorporated Areas.	April 21, 1999, April 28, 1999, *Douglas County News Press.*	The Honorable James Sullivan, Chairman, Douglas County, Board of Commissioners, 101 Third Street, Castle Rock, Colorado 80104.	March 29, 1999	080049
Douglas (FEMA Docket No. 7288).	Town of Parker	April 22, 1999, April 29, 1999, *Parker Trail.*	The Honorable Gary Lasater, Mayor, Town of Parker, 20120 East Main Street, Parker, Colorado 80138.	March 29, 1999	080310
San Miguel (FEMA Docket No. 7288).	Town of Telluride	April 9, 1999, April 16, 1999, *Telluride Daily Planet.*	The Honorable Elaine Fischer, Mayor, Town of Telluride, P.O. Box 397, Telluride, Colorado 81435.	March 10, 1999	080186
Missouri: Madison (FEMA Docket No. 7288).	City of Fredericktown.	April 21, 1999, April 28, 1999, *Democrat News.*	The Honorable Phillip Wulfert, Mayor, City of Fredericktown, City Hall, 124 Main Street, Fredericktown, Missouri 63645.	March 24, 1999	290221
Nebraska:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Sarpy (FEMA Docket No. 7260).	City of Papillion	September 16, 1998, September 23, 1998, *The Papillion Times*.	The Honorable Pete Goodman, Mayor, City of Papillion, City Hall, 122 East Third Street, Papillion, Nebraska 68046.	August 14, 1998 ..	315275
Sarpy (FEMA Docket No. 7256).	Unincorporated Areas.	September 16, 1998, September 23, 1998, *The Papillion Times*.	The Honorable Tim Gray, Chairman, Sarpy County, Board of Commissioners, County Courthouse, 1210 Golden Gate Drive, Suite 1118, Papillion, Nebraska 68046.	August 14, 1998 ..	310190
Texas:					
Bandera (FEMA Docket No. 7288).	City of Bandera	April 21, 1999, April 28, 1999, *Bandera Bulletin*.	The Honorable Bob Cowan, Mayor, City of Bandera, P.O. Box 896, Bandera, Texas 78003.	July 27, 1999	480021
Bandera (FEMA Docket No. 7288).	Unincorporated Areas.	April 21, 1999, April 28, 1999, *Bandera Bulletin*.	The Honorable Richard A. Evans, Bandera County Judge, County Courthouse, P.O. Box 877, Bandera, Texas 78003.	July 27, 1999	480020
Tarrant (FEMA Docket No. 7288).	City of Bedford	April 23, 1999, April 30, 1999, *Fort Worth Star-Telegram*.	The Honorable Rick Hurt, Mayor, City of Bedford, 2000 Forrest Ridge Drive, Bedford, Texas 76021.	March 26, 1999	480585
Brazos (FEMA Docket No. 7288).	City of College Station.	April 21, 1999, April 28, 1999, *Bryan-College Station Eagle*.	The Honorable Lynn McIlhaney, Mayor, City of College Station, P.O. Box 9960, College Station, Texas 77842–0960.	March 26, 1999	480083
Tarrant (FEMA Docket No. 7288).	City of Crowley	April 14, 1999, April 21, 1999, *Fort Worth Star-Telegram*.	The Honorable Chuck Rutherford, Mayor, City of Crowley, P.O. Box 747, Crowley, Texas 76036.	July 20, 1999	480591
El Paso (FEMA Docket No. 7288).	City of El Paso	April 20, 1999, April 27, 1999, *El Paso Times*.	The Honorable Carlos M. Ramirez, Mayor, City of El Paso, Two Civic Center Plaza, El Paso, Texas 79901–1196.	March 26, 1999	480214
Tarrant (FEMA Docket No. 7288).	City of Euless	April 13, 1999, April 20, 1999, *Fort Worth Star-Telegram*.	The Honorable Mary Lib Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, Texas 76039.	March 16, 1999	480593
Tarrant (FEMA Docket No. 7288).	City of Fort Worth	April 30, 1999, May 7, 1999, *Fort Worth Star-Telegram*.	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	April 1, 1999	480596
Tarrant (FEMA Docket No. 7288).	City of Haltom City	April 8, 1999, April 15, 1999, *Fort Worth Star-Telegram*.	The Honorable Gary Larson, Mayor, City of Haltom City, P.O. Box 14246, Haltom City, Texas 76117–1246.	March 16, 1999	480599
Collin (FEMA Docket No. 7288).	City of Plano	April 21, 1999, April 28, 1999, *Plano Star Courier*.	The Honorable John Longstreet, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	March 26, 1999	480140
Tarrant (FEMA Docket No. 7288).	City of Watauga ...	April 8, 1999, April 15, 1999, *Fort Worth Star-Telegram*.	The Honorable Hector Garcia, Mayor, City of Watauga, 7101 Whitley Road, Watauga, Texas 76148.	March 16, 1999	480613
Utah					
Salt Lake (FEMA Docket No. 7288).	Unincorporated Areas.	April 13, 1999, April 20, 1999, *Salt Lake Tribune*.	The Honorable Mary Callaghan, Chairperson, Salt Lake County Commission, 2001 South State Street, Suite N2100, Salt Lake City, Utah 84190–1000.	July 19, 1999	490102
Salt Lake (FEMA Docket No. 7288).	City of South Jordan.	April 13, 1999, April 20, 1999, *Salt Lake Tribune*.	The Honorable Dix McMullin, Mayor, City of South Jordan, 11175 South Redwood Road, South Jordan, Utah 84095.	July 19, 1999	490107
Salt Lake (FEMA Docket No. 7288).	City of West Jordan.	April 13, 1999, April 20, 1999, *Salt Lake Tribune*.	The Honorable Donna Evans, Mayor, City of West Jordan, 8000 South Redwood Road, West Jordan, Utah 84088.	July 19, 1999	490108

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: Sepember 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24561 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7300]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado: El Paso	City of Colorado Springs.	July 22, 1999, July 29, 1999, *Gazette Telegraph.*	The Honorable Mary Lou Makepeace, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, Colorado 80901–1575.	July 1, 1999	080060
Idaho: Ada	Unincorporated Areas.	July 21, 1999, July 28, 1999, *The Idaho Statesman.*	The Honorable Vernon Bisterfeldt, Chairman, Ada County Board of Commissioners, 650 West Main Street, Boise, Idaho 83702.	Oct. 26, 1999	160001
Idaho: Ada	City of Eagle	July 21, 1999, July 28, 1999, *Valley News.*	The Honorable Rick Yzaguirre, Mayor, City of Eagle, 310 East State, Eagle, Idaho 83616.	Oct. 26, 1999	160003

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Kansas: Sedgwick	City of Wichita	July 21, 1999, July 28, 1999, *Wichita Eagle*.	The Honorable Bob Knight, Mayor, City of Wichita, City Hall, 455 North Main Street, First Floor, Wichita, Kansas 67202.	June 18, 1999	200328
Missouri: Lincoln ..	City of Troy	August 4, 1999, August 11, 1999, *Lincoln County Journal*.	The Honorable Charles H. Kemper, Mayor, City of Troy, 200 Main Street, Troy, Missouri 63379.	July 9, 1999	290641
Texas: Collin	City of Allen	July 21, 1999, July 28, 1999, *Allen American*.	The Honorable Kevin Lilly, Mayor, City of Allen, One Butler Circle, Allen, Texas 75013.	June 21, 1999	480131
Texas: Cameron ..	Unincorporated Areas.	August 6, 1999, August 13, 1999, *Brownsville Herald*.	The Honorable Gilberton Hinojosa, Cameron County Judge, 964 East Harrison, Brownsville, Texas 78520.	July 2, 1999	480101
Texas: Dallas	City of Dallas	July 15, 1999, July 22, 1999, *Dallas Morning News*.	The Honorable Ron Kirk, Mayor, City of Dallas, City Hall, 1500 Marilla, Dallas, Texas 75201.	June 20, 1999	480171
Texas: Dallas	City of Irving	July 22, 1999, July 29, 1999, *Irving News*.	The Honorable Joe Putman, Mayor, City of Irving, P.O. Box 152288, Irving, Texas 75015–2288.	June 25, 1999	480180
Texas: Tarrant	City of Keller	August 3, 1999, August 10, 1999, *Keller Citizen*.	The Honorable Dave Phillips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	July 6, 1999	480602
Texas: Tarrant, Dallas and Ellis.	City of Grand Prairie.	July 22, 1999, July 29, 1999, *Grand Prairie*.	The Honorable Charles V. England, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, Texas 75053.	June 25, 1999	485472
Texas: Denton	City of Lewisville ..	August 4, 1999, August 11, 1999, *Lewisville News*.	The Honorable Bobbie J. Mitchell, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, Texas 75029–9002.	July 6, 1999	480195
Texas: Gregg and Harrison.	City of Longview ..	July 13, 1999, July 20, 1999, *Longview News-Journal*.	The Honorable David McWhorter, Mayor, City of Longview, P.O. Box 1952, Longview, Texas 75606–1952.	Oct. 18, 1999	480264
Texas: Bexar	City of San Antonio.	July 14, 1999, July 21, 1999, *San Antonio Express-News*.	The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	Oct. 19, 1999	480045
Texas: Guadalupe	City of Schertz	July 15, 1999, July 22, 1999, *The Herald*.	The Honorable Hal Baldwin, Mayor, City of Schertz, P.O. Box Drawer 1, Schertz, Texas 78154.	June 8, 1999	480269

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: September 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24560 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone

areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and record-keeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CALIFORNIA	
Napa (City), Napa County (FEMA Docket No. 7246)	
Napa Creek:	
Immediately upstream of Coombs Street	*25
Approximately 200 feet upstream of State Highway 29	*46.1
Maps are available for inspection at the City of Napa, Department of Public Works, 1195 Third Street, Napa, California.	
IOWA	
Dallas County (and Incorporated Areas) (FEMA Docket No. 7282)	
Little Walnut Creek:	
Approximately 3,200 feet downstream from County Road R–30	*917
Approximately 6,650 feet upstream from County Road R–22	*1,016
Walnut Creek:	
At 156th Street	*913
Approximately 3,950 feet upstream of 230th Street	*978
Raccoon River:	
Approximately 51,000 feet downstream of County Road 90 (at County boundary)	*833
Approximately 5,900 feet upstream of County Road R–16 (at confluence of North and South Raccoon Rivers)	*868
North Raccoon River:	
Approximately 400 feet downstream of Interstate Highway 801	*868
Approximately 16,800 feet upstream of U.S. Highway 169	*897
Raccoon River Mill Slough:	
Approximately 2,300 feet downstream of Old Wiscotta Road (at downstream confluence with North Raccoon River)	*881
Approximately 4,200 feet upstream of U.S. Highway 169 (at upstream confluence with North Raccoon River)	*890
Maps are available for inspection at the Dallas County Planning and Zoning Department, Dallas County Courthouse, 801 Court Street, Adel, Iowa.	
Maps are available for inspection at the City of Adel, City Hall, 102 South Tenth Street, Adel, Iowa.	
Maps are available for inspection at the City of Van Meter, City Hall, 505 Grant Street, Van Meter, Iowa.	
Maps are available for inspection at the City of Waukee, City Hall, 410 Sixth Street, Waukee, Iowa.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSOURI	
Bull Creek (Village), Taney County (FEMA Docket No. 7286)	
Bull Creek:	
Approximately 4,100 feet downstream of State Highway F	*725
Approximately 450 feet downstream of State Highway F	*728
Maps are available for inspection at the Village of Bull Creek Village Hall, 1886 State Highway F, Bull Creek, Missouri.	
Clark County (Unincorporated Areas) (FEMA Docket No. 7286)	
Mississippi River:	
At County boundary 13,000 feet downstream of confluence of Fox River	*496
At confluence of Des Moines River and County boundary	*500
Maps are available for inspection at the Clark County Courthouse, 111 East Cort Street, Kohoka, Missouri.	
Hollister (City), Taney County (FEMA Docket No. 7286)	
Turkey Creek:	
At confluence with White River	*716
Approximately 2,200 feet upstream of the Wastewater Treatment Plant Road, at corporate limits	*748
White River:	
At confluence of Coon Creek	*715

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1,050 feet (0.2 mile) upstream of U.S. Highway 65	*718
Maps are available for inspection at the City of Hollister City Hall, 294 Esplanade Street, Hollister, Missouri.	
OKLAHOMA:	
Canadian County (and Incorporated Areas) (FEMA Docket No. 7278)	
Deer Creek:	
Immediately upstream of County Line Road	*1,075
Approximately 1,000 feet upstream of County Line Road	*1,077
Soldier Creek:	
Immediately upstream of County Line Road	*1,075
Just downstream of 32nd Street Northeast (Sara Road)	*1,110
North Canadian River:	
Just northwest of the intersection of Gregory Road and Chicago, Rock Island and Pacific Railroad (in south overbank of North Canadian River)	*1,282
Approximately 3,000 feet upstream of Gregory Road	*1,282
Maps are available for inspection at the City of Piedmont City Hall, 314 Edmond Street Northwest, Piedmont, Oklahoma.	
Maps are available for inspection at the City of El Reno Community Map Repository, 201 North Choctaw, El Reno, Oklahoma.	
OREGON	
Keizer (City), Marion County (FEMA Docket No. 7246)	
Lake Labish Ditch:	
At confluence with Claggett Creek	*122
Just upstream of River Road	*132
Approximately 3,300 feet upstream of River Road	*133
Maps are available for inspection at 930 Chemawa Road, Keizer, Oregon.	
Marion County (Unincorporated Areas) (FEMA Docket No. 7246)	
Lake Labish Ditch:	
At City of Keizer-Marion County line, approximately 4,050 feet upstream of River Road	*133
Maps are available for inspection at the Marion County Community Development Department, 3150 Lancaster Drive Northeast, Salem, Oregon.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Marion County (and Incorporated Areas) (FEMA Docket No. 7282)	
Lake Labish Ditch:	
Approximately 2,200 feet downstream of Burlington Northern Railroad	*130
Approximately 50 feet downstream of Burlington Northern Railroad	*132
Claggett Creek:	
Backwater area along tributary to Claggett Creek, from approximately 300 feet upstream of Sieberg Street (along tributary drainage) to approximately 300 feet due west of the intersection of Verda Lane Northeast and Salem Parkway	*127
Pudding River:	
Just upstream of Arndt Road and the Marion-Clackamas County border	*95
Just downstream of the Southern Pacific Railroad	*99
Willamette River:	
Approximately 5,000 feet downstream of Newcomer Road (Extended)	*104
Approximately 2,500 feet upstream of Newcomer Road (Extended)	*105
Maps are available for inspection at the City of Keizer City Hall, 930 Chemawa Road Northeast, Keizer, Oregon.	
Maps are available for inspection at the Marion County Planning Department, 3150 Lancaster Drive Northeast, Salem, Oregon.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
TEXAS	
Travis County (and Incorporated Areas) (FEMA Docket No. 7250)	
Barton Creek:	
Approximately 4,000 feet downstream of Fitzhugh Road	*930
Approximately 740 feet upstream of Fitzhugh Road	*943
Bear Creek:	
At confluence with Onion Creek	*617
Approximately 4.4 miles upstream of Rock Dam (approximately 240 feet upstream of County boundary)	*805
Bear Creek Tributary:	
At confluence with Bear Creek	*656
Approximately 9 feet upstream of FM 1626	*656
Approximately 20 feet upstream of FM 1626	*656
Boggy Creek South:	
At confluence with Onion Creek	*558
Approximately 300 feet upstream of Bluff Springs Road	*559
Approximately 375 feet upstream of Bluff Springs Road	*560
Cottonmouth Creek:	
At confluence with Onion Creek	*477
Approximately 5,150 feet (.98 mile) upstream of confluence with Onion Creek	*480
Approximately 5,350 feet (1.01 miles) upstream of confluence with Onion Creek	*481

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Little Bear Creek:	
At confluence with Bear Creek	*634
Approximately 1.8 miles upstream of confluence with Bear Creek (at County boundary)	*672
Long Branch:	
Approximately 1,090 feet downstream of dam	*1,013
Approximately 1,835 feet upstream of dam (at County boundary)	*1,035
Marble Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Onion Creek	*540
Approximately 1,650 feet upstream of William Cannon Drive	*544
Approximately 1,700 feet upstream of William Cannon Drive	*544
Onion Creek:	
At confluence with Colorado River	*414
Approximately 2,060 feet upstream of confluence with Colorado River	*417
Approximately 1.4 miles upstream of confluence of Garlic Creek (approximately 150 feet upstream of County boundary)	*645
Rinard Creek:	
At confluence with Onion Creek	*576
Approximately 1,370 feet upstream of Bradshaw Road	*577
Approximately 1,404 feet upstream of Bradshaw Road	*578
Slaughter Creek:	
At confluence with Onion Creek	*571
Approximately 3,850 feet upstream of confluence with Onion Creek	*572
Approximately 4,100 feet upstream of confluence with Onion Creek	*573
Williamson Creek:	
At confluence with Onion Creek	*526
Approximately 2,940 feet upstream of Jimmy Cliff Drive	*529
Approximately 3,030 feet upstream of Jimmy Cliff Drive	*529
Williamson Creek Tributary 1:	
At confluence with Williamson Creek	*526
Approximately 2,480 feet upstream of confluence with Williamson Creek	*526
Approximately 2,520 feet upstream of confluence with Williamson Creek	*526
Williamson Creek Tributary 2:	
At confluence with Williamson Creek	*526
Approximately 2,410 feet upstream of confluence with Williamson Creek	*526
Maps are available for inspection at the Travis County Transportation and Natural Resources Department, Executive Office Building, 411 West 13th Street, Austin, Texas.	
Maps are available for inspection at the City of Austin Watershed Engineering Division, 206 East Ninth Street, Suite No. 17102, Austin, Texas.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: September 14, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–24562 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is making technical amendments to the Defense Federal Acquisition Regulation Supplement. The amendments update names, addresses, and references and make minor editorial changes.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; telefax (703) 602–0350.

List of Subjects in 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253 are emended as follows:

1. The authority citation for 48 CFR Parts 201, 202, 204, 207, 208, 209, 211, 212, 214, 215, 219, 223, 225, 227, 232, 235, 236, 242, 245, 246, 249, 250, 252, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.303 [Amended]

2. Section 201.303 is amended in paragraph (a)(ii)(A) in the first sentence and in paragraph (a)(ii)(B) in the fourth sentence by revising the reference ''FAR 1.104–2(b)(2)'' to read ''FAR 1.105–2(b)(2)''.

PART 202—DEFINITIONS OF WORDS AND TERMS

3. Section 202.101 is amended as follows:

a. In the definition of ''Contracting activity'' by—

(1) Revising the text under the heading ''DEPARTMENT OF DEFENSE'' and before the heading ''Army'';

(2) Removing, under the heading ''NAVY'', the entry ''Marine Corps Systems Command'' and adding in its place the entry ''Marine Corps Material Command'':

(3) Revising the text under the heading ''DEFENSE LOGISTICS AGENCY'';

(4) Removing the heading and entry ''DEFENSE SPECIAL WEAPONS AGENCY Headquarters, Defense Special Weapons Agency'' and adding in their place the heading and entry ''DEFENSE THREAT REDUCTION AGENCY Acquisition Management Office''; and

(5) Removing the heading and entry ''ON-SITE INSPECTION AGENCY Acquisition Management Office''.

b. In definition of ''Departments and agencies'' in the third sentence by—

(1) Removing the words ''Defense Investigative Service'' and adding in their place the words ''Defense Security Service'';

(2) Removing the words ''Defense Special Weapons Agency'' and adding in their place the words ''Defense Threat Reduction Agency''; and

(3) Removing the phrase ''the On-Site Inspection Agency,''. The revised text reads as follows:

202.101 Definitions.

* * * * *

DEPARTMENT OF DEFENSE

Department of Defense Education Activity
TRICARE Management Activity
Real Estate and Facilities Directorate, Washington Headquarter Services

* * * * *

Defense Logistics Agency

Office of the Commander, Defense Contract Management Command
Office of the Executive Director, Procurement Management, Defense Logistics Support Command
Defense Supply Centers

Defense Energy Support Center

* * * * *

PART 204—ADMINISTRATIVE MATTERS

204.201 [Amended]

4. Section 204.201 is amended in paragraph (1) in the second sentence by removing the word ''terminations'' and adding in its place the word ''termination''.

204.202 [Amended]

5. Section 204.202 is amended in paragraph (1)(v) by removing the word ''Investigative'' and adding in its place the word ''Security''.

204.402 [Amended]

6. Section 204.402 is amended in paragraph (2) in the second sentence by removing the words ''Industrial Security Manual'' and adding in their place the words ''National Industrial Security Program Operating Manual''.

7. Section 204.670–1 is amended by revising paragraph (c)(4); and in paragraph (d) introductory text by removing the number ''55–2'' and adding in its place the number ''55''. The revised text reads as follows:

204.670–1 Definitions

* * * * *

(c) * * *

(4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, Attn: Procurement Management Directorate (Acquisition Programs Team), 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060–6221.

* * * * *

204.670–3 [Amended]

8. Section 204.670–3 is amended in paragraph (a)(2)(i) by removing the words ''Fuel Supply'' and adding their place the words ''Energy Support'', and by removing the word ''which'' and adding in its place the word ''that''.

204.670–6 [Amended]

9. Section 204.670–6 is amended in paragraphs (b)(1)(ii) and (iii) in the first sentence of each by revising the words ''indefinite delivery'' to read ''indefinite-delivery''; and in paragraph (b)(1)(iii) in the first sentence by removing the words ''Fuel Supply'' and adding in their place the words ''Energy Support''.

204.7003 [Amended]

10. Section 204.7003 is amended as follows:

a. In paragraph (a)(1)(i)(F) by removing the words ''Special Weapons'' and adding in their place the words ''Threat Reduction'', and by removing the abbreviation ''DSWA'' and adding in its place the abbreviation ''DTRA'';

b. In paragraph (a)(1)(i)(G) by removing the abbreviation ''NIMA'' and adding in its place the abbreviation ''NMA'';

c. By removing paragraph (a)(1)(i)(K); and

d. By redesignating paragraphs (a)(1)(i)(L) and (M) as paragraphs (a)(1)(i)(K) and (L), respectively.

PART 207—ACQUISITION PLANNING

11. Section 207.105 is amended in paragraph (b) (13) (iv) by revising the last sentence to read as follows:

207.105 Contents of written acquisition plans.

* * * * *

(b) * * *

(13) * * *

(iv) * * * Also see DoD 4120.3–M, Defense Standardization Program (DSP) Policies and Procedures.

* * * * *

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

12. Section 208.7002 is amended as follows:

a. By revising paragraphs (a)(1) and (a)(2);

b. In paragraph (a)(4) in the parenthetical at the end by removing the number ''2308'' and adding in its place the number ''2311'';

c. By revising paragraph (b) introductory text; and

d. In paragraph (b)(2) by removing the word ''the''. The revised text reads as follows:

208.7002 Assignment authority.

a. * * *

1. To the departments and agencies, by the Deputy Under Secretary of Defense (Logistics);

(2) To GSA, through agreement with GSA, by the Deputy Under Secretary of Defense (Logistics);

* * * * *

(b) Under the Integrated Materiel Management Program, assignments are made by the Deputy Under Secretary of Defense (Logistics)—

* * * * *

13. Section 208.7003–1 is amended in paragraph (b)(1) and in paragraph (b)(2) introductory text by removing the number ''13'' and adding in its place the number ''2''; and by revising paragraph (b)(2)(ii) to read as follows:

208.7003–1 Assignments under integrated materiel management (IMM).

* * * * *

(b) * * *

(2) * * *

(ii) For DLA: Defense Supply Center, Columbus, Attn: DSCC–BDL, P.O. Box 3990, Columbus, OH 43216–5000

Defense Energy Support Center, Attn: DESC–FI, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6222

Defense Supply Center, Richmond, Attn: DSCR–RZO, 8000 Jefferson Davis Highway, Richmond, VA 23297–5000

Defense Industrial Supply Center, Attn: DISC–ABLI (Bldg. 4), 700 Robbins Avenue, Philadelphia, PA 19111–5096

Defense Supply Center, Philadelphia, Attn: DSCP–OMPS, 2800 South 20th Street, P.O. Box 8419, Philadelphia, PA 19145–5099

* * * * *

208.7003–2 [Amended]

14. Section 208.7003–2 is amended in paragraph (c) by removing the number ''13'' and adding in its place the number ''2''.

PART 209—CONTRACTOR QUALIFICATIONS

209.403 [Amended]

15. Section 209.403 is amended in the definition of ''Debarring official'', in paragraph (1), by removing the entry ''Defense Special Weapons Agency—The Director'' and adding in its place the entry ''Defense Threat Reduction Agency—The Director''.

PART 211—DESCRIBING AGENCY NEEDS

16. Section 211.201 is amended by revising paragraph (d) introductory text to read as follows:

211.201 Identification and availability of specifications.

* * * * *

(d) The AMSDL, all unclassified specifications and standards listed in the DODISS, and data item descriptions listed in the AMSDL also may be obtained from the Department of Defense Single Stock Point (DoDSSP), Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094; telephone (215) 697–2179; http://assist.daps.mil. Include with the request—

* * * * *

17. Section 211.602 is revised to read as follows:

211.602 General.

DoD implementation of the Defense Priorities and Allocations System is in DoDD 4400.1, Defense Production Act Programs.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.503 [Amended]

18. Section 212.503 is amended in the section heading by removing the word ''Agency'' and adding in its place the word ''agency''.

PART 214—SEALED BIDDING

19. Part 214 is amended in the table of contents, under the heading ''Subpart 214.4—Opening of Bids and Award of Contract'', by removing the number ''214–404–1'' and adding in its place the number ''214.404–1''.

214.407–3 [Amended]

20. Section 214.407–3 is amended as follows:

a. In paragraph (e)(vi) by removing the words ''Special Weapons'' and adding in their place the words ''Threat Reduction'', and by removing the abbreviation ''DSWA'' and adding in its place the abbreviation ''DTRA'';

b. By removing paragraph (e)(viii); and

c. By redesignating paragraph (e)(ix) as paragraph (e)(viii).

PART 215—CONTRACTING BY NEGOTIATION

§ 215.304 [Amended]

21. Section 215.304 is amended in paragraph (c)(i)(C) by removing the reference ''(c)(i)(B)(*1*)'' and adding in its place the reference ''(c)(i)(A)(*1*)''.

PART 219—SMALL BUSINESS PROGRAMS

22. Section 219.703 is amended by revising paragraph (b)(ii) to read as follows:

§ 219.703 Eligibility requirements for participating in the program.

* * * * *

(b) * * *

(ii) A qualified nonprofit agency for the blind or other severely disabled approved by the Committee for Purchase from People Who Are Blind or Severely Disabled.

§ 219.705–2 [Amended]

23. Section 219.705–2 is amended in paragraph (d) by removing the reference ''215.605'' and adding in its place the reference ''215.304''.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

§ 223.370–4 [Amended]

24. Section 223.370–4 is amended in paragraph (b)(2)(i) in the second sentence by removing the reference ''42.204'' and adding in its place the reference ''42.202(e)''.

PART 225—FOREIGN ACQUISITION

§ 225.102 [Amended]

25. Section 225.102 is amended in paragraph (b)(iii)(C) by removing the words ''Defense Personnel Support Center'' and adding in their place the phrase ''Defense Supply Center, Philadelphia,''.

§ 225.302 [Amended]

26. Section 225.302 is amended in paragraph (b)(i) by removing the heading ''DEPARTMENT OF DEFENSE OFFICE OF DEPENDENTS SCHOOLS'' and adding in its place the heading ''DEPARTMENT OF DEFENSE EDUCATION ACTIVITY'', and by removing the heading and entry ''ON-SITE INSPECTION AGENCY Principal Deputy Director''.

§ 225.402 [Amended]

27. Section 225.402 is amended in paragraph (c)(iii)(B) by removing the words ''Fuel Supply'' and adding in their place the words ''Energy Support''.

§ 225.405 [Amended]

28. Section 225.405 is amended in paragraph (d) by removing the words ''Fuel Supply'' and adding in their place the words ''Energy Support''.

§ 225.872 [Amended]

29. Section 225.872–7 is amended by removing the words ''Defense Mapping Agency by DMA'' and adding in their place the words ''National Imagery and Mapping Agency by NIMA''.

30. Section 225.873–2 is amended by revising paragraph (a) introductory text to read as follows:

225.873–2 Procedures.

(a) Waiver of U.K. levies must be approved by the Government of the U.K. When an offeror or contractor identifies a levy included in an offered or contract price, the contracting officer shall provide written notification to the Defense Security Cooperation Agency, Attn: PSD–PMD, 1111 Jefferson Davis Highway, Arlington, VA 22202–4306, telephone (703) 601–3864. The Defense Security Cooperation Agency will request a waiver of the levy from the Government of the U.K. The notification shall include—

* * * * *

PART 227—PATENTS, DATA, AND COPYRIGHTS

227.7004 [Amended]

31. Section 227.7004 is amended in paragraph (c)(6) by removing the words ''Special Weapons'' and adding in their place the words ''Threat Reduction''; and in paragraph (c)(7) by removing the word ''Defense'' and adding in its place the words ''National Imagery and''.

PART 232—CONTRACT FINANCING

232.906 [Amended]

32. Section 232.906 is amended in paragraph (a)(i) in the second sentence by removing the reference ''subparagraphs (b)(2)'' and adding in its place the reference ''paragraph (b)(1)''.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.070–1 [Amended]

33. Section 235.070–1 is amended in paragraph (a) introductory text by adding a comma after the number ''2354'' and by removing the phrase ''or designee under 10 U.S.C. 2356,''.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

236.604 [Amended]

34. Section 236.604 is amended in paragraph (c)(ii) by removing ''SF 1421'' and adding in its place ''DD Form 2631''.

PART 242—CONTRACT ADMINISTRATION

242.1203 [Amended]

35. Section 242.1203 is amended in paragraph (b)(1) in the entry ''Air Force'' by removing ''AFMC/PKM'' and adding in its place ''HQ AFMC/PKP''.

PART 245—GOVERNMENT PROPERTY

245.302–1 [Amended]

36. Section 245.302–1 is amended in paragraph (b)(1)(A)*(1)* by adding a comma after the word ''Center'', and by removing ''Attn: JH'' and adding in its place ''Attn: DSCR–JH''.

37. Section 245.310 is amended by revising paragraph (c) introductory text and paragraph (c)(ii)(A) to read as follows:

245.310 Providing agency-peculiar property.

(c) All Government-furnished mapping, charting, and geodesy (MC&G) property is under the control of the Director, National Imagery and Mapping Agency (NIMA).

* * * * *

(ii) * * *

(A) Contact the Director, NIMA(PP), 8613 Lee Highway, Fairfax, VA 22031–2137, for disposition instructions;

* * * * *

245.405 [Amended]

38. Section 245.405 is amended in paragraph (3)(ii) in the second sentence by removing the word ''Assistance'' and adding in its place the word ''Cooperation'', and by removing the word ''which'' and adding in its place the word ''that''.

245.7203 [Amended]

39. Section 245.7203 is amended in paragraph (a)(3) by revising the entry ''M-Defense Mapping Agency'' to read ''M-National Imagery and Mapping Agency''.

PART 246—QUALITY ASSURANCE

40. Section 246.710 is amended by revising paragraph (4) to read as follows:

246.710 Contact clauses.

* * * * *

(4) Use the clause at 252.246–7002, Warranty of Construction (Germany), instead of the clause at FAR 52.246–21, Warranty of Construction, in solicitations and contracts for construction when a fixed-price contract will be awarded and contract performance will be in Germany.

PART 249—TERMINATION OF CONTRACTS

41. Section 249.105–1 is amended by revising the introductory text to read as follows:

249.105–1 Termination status report.

When the contract administration office receives a termination notice, it will, under Report Control Symbol DD–A&T(AR)1411–

* * * * *

42. Section 249.7001 is amended by revising paragraphs (b)(7) through (b)(9), by removing paragraph (b)(11), by redesignating paragraph (b)(12) as paragraph (b)(11), and by revising paragraph (f) to read as follows:

249.7001 Congressional notification on significant contract terminations.

* * * * *

(b) * * *

(7) Defense Logistics Agency—DLSC–P

(8) National Imagery and Mapping Agency—HQ NIMA (AQ)

(9) Defense Threat Reduction Agency—Acquisition Management Office (AM)

* * * * *

(f) This reporting requirement is assigned Report Control Symbol DD–A&T(AR)1412.

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

43. Section 250.303 is amended by revising paragraphs (3), (9), and (10), by removing paragraph (12), and by redesignating paragraph (13) as paragraph (12). The revised text reads as follows:

250.303 Contractor requests.

* * * * *

(3) Navy-Assistant Secretary of the Navy (RD&A), Attn: Deputy for Acquisition and Business Management.

* * * * *

(9) National Imagery and Mapping Agency-Director, NIMA, Attn: AQ.

(10) Defense Threat Reduction Agency-Director, DTRA, Attn: AM.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

44. Part 252 is amended in the table of contents, in the heading of Subpart 252.2, by removing the word ''Texts'' and adding in its place the word ''Text''.

252.212–7001 [Amended]

45. Section 252.212–7001 is amended as follows:

a. By revising the clause date to read ''(Sep 1999)''; and

b. In paragraph (b) of the clause—

(1) In the introductory text by removing the word ''Orders'' and adding in its place the word ''orders'';

(2) In the entry at 252.219–7003 by removing the words ''Small Business and Small Disadvantaged'' and adding in their place the phrase ''Small, Small Disadvantaged and Women-Owned Small'';

(3) In the entries at 252.225–7007 and 252–7021 by removing the parenthetical ''(____Alternate I)'';

(4) in the entry at 252.225–7029 by removing the words ''Restriction on Acquisition of'' and adding in their place the words ''Preference for United States or Canadian''; and

(5) In the entry at 252.243–7002 by removing the words ''Certification of''.

252.223–7007 [Amended]

46. Section 252.223–7007 is amended as follows:

a. By revising the clause date to read ''(SEP 1999)'';

b. In paragraph (d) of the clause by removing the phrase ''Investigative Service (DIS)'' and adding in its place the phrase ''Security Service (DSS)''; and

c. In paragraph (e) of the clause by removing the abbreviation ''DIS'' and adding in its place the abbreviation ''DSS''.

252.225–7000 [Amended]

47. Section 252.225–7000 is amended by revising the provision date to read ''(SEP 1999)''; and in paragraph (c)(1)(i) of the provision by removing the word ''clause'' and adding in its place the word ''provision''.

252.225–7036 [Amended]

48. Section 252.225–7036 is amended in *Alternate I* as follows:

a. By revising the date of *Alternate I* to read ''(SEP 1999)'';

b. In the introductory text by removing the reference ''(a)(4)'' both places it appears and adding in its place the reference ''(a)(6)''; and

c. By redesignating paragraph (a)(4) as paragraph (a)(6).

252.227–7037 [Amended]

49. Section 252.227–7037 is amended by revising the clause date to read ''(SEP 1999)''; and in paragraph (b) of the clause in the second sentence by adding the word ''provides'' prior to the word ''demonstrates''.

252.235–7011 [Amended]

50. Section 252.235–7011 is amended by revising the clause date to read ''(SEP 1999)''; and by removing the address ''Cameron Station, Alexandria, VA 22304–6145'' both places it appears and adding in its place the address ''8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060–6218''.

252.243–7000 [Amended]

51. Section 252.243–7000 is amended by revising the clause date to read ''(SEP 1999)''; and in paragraph (c) introductory text by removing ''price**'' and adding in its place ''price*''.

PART 253—FORMS

253.209–1 [Amended]

52. Section 253.209–1 is amended in paragraph (a)(ii)(D) by removing the phrase ''Investigative Service (DIS)'' and adding in its place the phrase ''Security Service (DSS)''.

[FR Doc. 99–24388 Filed 9–20–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 235

[DFARS Case 98–D306]

Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. Section 213 requires that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350. Please cite DFARS Case 98–D306.

SUPPLEMENTARY INFORMATION:

A. Background

This rule adopts as final, without change, the interim rule published at 64 FR 18829 on April 16, 1999. The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261).

DoD received one comment in response to the interim rule and considered that comment in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the only new requirement for offerors is the inclusion of a cost-sharing ratio in proposals under the Manufacturing Technology Program. This change is not expected to significantly alter the procedures for award of contracts under the Manufacturing Technology Program since the DFARS already requires the use of cost-sharing arrangements under the Program.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR part 235

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 235, which was published at 64 FR 18829 on April 16, 1999, is adopted as a final rule without change.

[FR Doc. 99–24387 Filed 9–20–99; 8:45 am]

BILLING CODE 5000–04–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to remove brand name or equal guidance no longer necessary as a result of FAR changes contained in Federal Acquisition Circular (FAC) 97–12. This rule also makes editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, (202) 358–1279, e-mail: jdolvin1@mail.hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

FAC 97–12, dated June 17, 1999, contains guidance for use of brand name or equal procedures at FAR 11.4, Use of brand name or equal purchase descriptions, and a corresponding solicitation provision at FAR 52.211–6, Brand Name or Equal. The NASA FAR Supplement already has almost identical guidance at 1811.104–70, Brand name or equal purchase descriptions, and a solicitation provision at 1852.211–70, Brand Name or Equal. Because of this resulting duplication, the NFS coverage in Parts 1811 and 1852 is being removed in its entirety. Other editorial changes unrelated to brand name or equal guidance are made to: correct clause and referenced document titles; correct listing of clauses authorized for use in acquisition of commercial items; update the agency program coordinator for the Governmentwide commercial purchase card; allow electronic submission of RFPs for Headquarters review; and correct the numbering within Section 1842.202.

B. Regulatory Flexibility Act

This rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comment is not required. However, comments from small entities concerning the affected NFS subparts will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS does not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1811—DESCRIBING AGENCY NEEDS

2. Subpart 1811.1 is removed.

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

3. In section 1812.301, paragraph (f)(i)(J) is removed, and the designated paragraph (f)(i)(K) is redesignated as (f)(i)(J), and paragraph (f)(i)(E) is revised to read as follows:

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f)(i) * * *

(E) 1852.219–76, NASA 8 Percent Goal.

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

4–5. In section 1813.301–73, paragraph (a) is revised to read as follows:

1813.301–73 Program officials.

(a) The Langley Research Center, Office of Procurement (Code AG), is the agency program coordinator.

* * * * *

PART 1815—CONTRACTING BY NEGOTIATION

6. Section 1815.203–71 is revised to read as follows:

§ 1815.203–71 Headquarters reviews.

For RFPs requiring Headquarters review and approval, the procurement officer shall submit an electronic copy of the RFP to the Associate Administrator for Procurement (Code HS). Any significant information relating to the RFP or the planned evaluation methodology omitted from the RFP itself should also be provided.

PART 1816—TYPES OF CONTRACTS

7. In section 1816.505, paragraph (b)(4) is redesignated as paragraph (b)(6).

8. In section 1816.506–70, the reference ''(See NHB 9501.2)'' is revised to read ''(see NPG 9501.2, NASA Contractor Financial Management Reporting System)''.

PART 1837—SERVICE CONTRACTING

9. In section 1837.203, the reference ''(see NMI 3304.1, Employment of Experts and Consultants)'' is revised to read ''(see NPD 3000.1, Management of Human Resources)''.

PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

10. In section 1842.202, paragraph (b)(1) is redesignated as (b)(i).

PART 1847—TRANSPORTATION

11. Section 1847.200–70 is revised to read as follows:

1847.200–70 Charter of aircraft.

When acquiring aircraft by charter, contracting officers shall comply with NPG 7900.3, Aircraft Operations Management.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

12. Section 1852.211–70 is removed.

[FR Doc. 99–24361 Filed 9–20–99; 8:45 am]
BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 091599A]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Adjustment of General category daily retention limit on previously designated restricted-fishing days.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) General category restricted-fishing day (RFD) schedule should be adjusted, i.e., certain RFDs should be waived, in order to allow for maximum utilization of the General category quota. Therefore, NMFS increases the daily retention limit from zero to one large medium or giant BFT on the following previously-designated RFDs for 1999: September 19, 20, 26, and 27, and October 1.

DATES: Effective September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. General category effort controls (including time-period subquotas and RFDs) are specified annually under §§ 635.23(a) and 635.27(a). The 1999 General category effort controls were implemented June 1, 1999 (64 FR 29806, June 3, 1999).

Adjustment of Daily Retention Limit for Selected Dates

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT.

Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that adjustment to the RFD schedule, and, therefore, an increase of the daily retention limit for selected, previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for September 19, 20, 26, and 27, and October 1, to one large medium or giant BFT per vessel. October 1 was designated as an RFD to facilitate enforcement of the October reopening after an anticipated closure in September. However, since the September subquota will most likely not be reached, it is no longer necessary for October 1 to be an RFD. Note that NMFS is not waiving the ''market-smart'' RFDs on Wednesdays in September that correspond to Japanese market closures (September 22 and 29).

The intent of this adjustment is to allow for maximum utilization of the General category quota (specified under § 635.27(a)) in order to help achieve optimum yield in the fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP.

Classification

This action is taken under § 635.23(a)(4) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 16, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24566 Filed 9–16–99; 2:01 pm]
BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 981231333–8333–01; I.D. 091399D]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Announcement of fixed gear sablefish mop-up fishery; fishing restrictions, request for comments.

SUMMARY: NMFS announces adjustments to the management measures for the Pacific Coast groundfish fishery off Washington, Oregon, and California. This action establishes beginning and ending dates and the cumulative period landings limit for the mop-up portion of the limited entry, fixed gear sablefish fishery. These actions are intended to provide for harvest of the remainder of the sablefish available to the 1999 limited entry, fixed gear primary sablefish fishery. This action applies only in waters north of 36° N. lat.

DATES: The fixed gear sablefish mop-up fishery will begin at 1201 hours local time (l.t.), September 20, 1999, and will end at 1200 hours l.t., September 25, 1999, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the fixed gear sablefish fishery will remain in effect, unless modified, superseded or rescinded, until the effective date of the 2000 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted until October 6, 1999.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115–0070; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, Northwest Region, NMFS, 206–526–6140.

SUPPLEMENTARY INFORMATION: The limited entry, fixed gear sablefish fishery consists of a ''primary'' fishery, composed of the ''regular'' fishery described here, during which most of the fixed gear sablefish allocation is taken, and then a ''mop-up'' fishery, during which the remainder of the amount available to the primary fishery is taken.

The regulations at 50 CFR 660.323(a)(2) provide a season structure for the limited entry, fixed gear primary (regular + mop-up) sablefish fishery. During the regular season, each vessel with a limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for the tier to which the permit is assigned. For the August 16–25, 1999, regular season, participants fished under the following tier limits: Tier 1, 84,800 lb (40,823 kg); Tier 2, 38,300 lb (17,373 kg); Tier 3, 22,000 lb (9,979 kg). Other than the large, tiered cumulative limits, the only trip limit in this fishery was for sablefish smaller than 22 inches (56 cm). The 1999 regular season started at noon on August 16, 1999, and lasted until noon on August 25, 1999.

Preseason estimates of the likely total harvest in the regular season fishery were conservative in order to minimize the risk of the fishery exceeding its total allocation. Because of the conservative projections, the regular fishery was not expected to harvest all of the limited entry, fixed gear allocation for north of 36° N. lat. in excess of that required for the daily trip limit fishery. The Regional Administrator is authorized to announce a mop-up fishery for any excess, if it is large enough, about 3 weeks after the end of the regular season and consisting of one cumulative trip limit for each vessel (50 CFR 660.323(a)(2)(v)). Approximately 3 weeks are needed for the Pacific Fishery Management Council (Council) Groundfish Management Team to compile all of the landings receipts from the regular season and to calculate the amount available for the mop-up season, if any. This action establishes the 1999 mop-up fishery for limited entry, fixed gear permit holders with sablefish endorsements.

The 1999 limited entry nontrawl sablefish allocation is 2,516 mt (5,546,824 lb), of which 2,137 mt (4,711,315 lb) is available to the primary (regular + mop-up) season. The best available information on September 8, 1999, indicated that approximately 2,085 mt (4,596,527 lb) of sablefish were landed during the regular season. Therefore, 52 mt (114,788 lb) remain available to the mop-up fishery. The Regional Administrator, after consulting with Council representatives via telephone on September 9, 1999, has determined that the mop-up fishery will occur, and that a cumulative trip limit of 1,100 lb (499 kg) (round weight) in a 5-day period (September 20 - September 25, 1999) would give limited entry permit holders with sablefish endorsements the opportunity to harvest the remainder of the sablefish available to the primary fishery without exceeding the amount of sablefish set aside for that fishery. The 5-day time frame for the 1999 fishery is shorter than in past years (2 weeks in 1997 and 1998,) because the cumulative limit amount is relatively small, and leaving the mop-up fishery open for an overly long period would unnecessarily limit the number of daily trip limit fishing days available to limited entry permit holders without sablefish endorsements. The same trip limit for sablefish smaller than 22 inches (56 cm) total length, or 15.5 inches (39 cm) for sablefish that are headed that was in effect during the regular season is in effect during the mop-up season.

Only limited entry permit holders with sablefish endorsements may participate in the mop-up fishery. No vessel may land more than one cumulative limit. There is no limited entry, daily trip limit fishery during the mop-up fishery period. Therefore, holders of limited entry permits without sablefish endorsements may not land any sablefish during the mop-up period. Similarly, once a vessel with a sablefish endorsed limited entry permit has been used to land its 1,100 lb (499 kg) cumulative trip limit in the mop-up fishery, it may not be used to land more sablefish until the daily trip limits resume at 1201 hours on September 25, 1999. Also, acquiring additional limited entry permits does not entitle a vessel to more than one cumulative limit.

Following the mop-up fishery, daily trip limits are reimposed until the end of the year, or until modified. The next opportunity for the Council to recommend modifications to the daily trip limit fishery will be at its September 13–17, 1999, meeting. The sablefish daily trip limit for the limited entry fishery north of 36° N. lat. after the mop-up season is 300 lb (136 kg) per day, with no more than 2,100 lb (953 kg) cumulative per calendar month. Since the daily trip limits apply to a 24–hour day starting at 0001 hours, but the mop-up fishery begins and ends at 1200 hours, it will be lawful for a vessel in the limited entry fishery to land a daily trip limit between 0001 hours and 1200 hours on September 20, 1999, just before the start of the mop-up season, and between 1201 hours and 2400 hours on September 25, 1999, following the mop-up season.

A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24–hour period. Daily trip limits may not be accumulated. If a trip lasts more than 1 day, only one daily trip limit is allowed. Daily trip limits were in effect until the closed period before the regular season, and went back into effect after the post-season closure ended on August 26, 1999. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

NMFS Actions

NMFS announces the dates of the fixed gear sablefish limited entry mop-up fishery. All other provisions remain in effect. In the January 8, 1999 **Federal Register** (64 FR 1316), annual management measures, paragraph IV.B.(6)(d)(i) is revised to read as follows:

IV. * * *

B. * * *

(6) * * *

(d) * * *

(i) *Mop-Up Season*. The mop-up season will begin at 12 noon l.t. on September 20, 1999, and end at noon on September 25, 1999. The cumulative trip limit for the mop-up fishery is 1,100 lb (499 kg). No vessel may be used to take more than one mop-up cumulative trip limit. (Note: The States of Washington, Oregon, and California use a conversion factor of 1.6 to convert dressed sablefish to its round-weight equivalent. Therefore, 1,100 lb (499 kg) round weight corresponds to 688 lb (312 kg) for dressed sablefish.)

* * * * *

Classification

This action is authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. The determination to take these actions is based on the most recent data available. Because of the need for immediate action to start the mop-up fishery for sablefish, NMFS has determined that providing an opportunity for public notice and comment would be impractical and contrary to public interest. Delaying this rule could push the mop-up season into inclement autumn weather. Therefore, the agency believes that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period.

These actions are taken under the authority of 50 CFR 660.323(a)(2), and are exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24487 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 091499F]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of Pacific ocean perch in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 17, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1999 TAC of Pacific ocean perch in the Western Aleutian District of the BSAI was established as 5,753 metric tons by the Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Western Aleutian District of the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for Pacific ocean perch in the Western Aleutian District of the BSAI. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24565 Filed 9–16–99; 2:01 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 091599E]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the third seasonal allowance of pollock total allowable catch (TAC) in this area and to close the C season fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 16, 1999, until 1200 hrs, A.l.t., September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907–481–1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels is in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The pollock TAC in Statistical Area 630 was established by the Final 1999 Harvest Specifications for Groundfish for the GOA (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt) for the entire fishing year and 7,630 mt for the third seasonal allowance.

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal catch was in excess of the second seasonal allowance by 402 mt and that the excess shall be proportionately subtracted from the subsequent seasonal allowances. In accordance with § 679.20(a)(5)(ii)(C), the third seasonal allowance of pollock TAC in Statistical Area 630 is 7,429 mt.

NMFS issued an inseason adjustment in expectation of excessive harvest capacity, effective September 2, 1999, limiting the initial opening of the C season fishery to 24 hours in accordance with § 679.25(a)(1)(i)(64 FR 48332, September 3, 1999). Within that same adjustment NMFS extended the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency had determined whether sufficient amounts of the C season allowance remained unharvested to allow another opening within the C fishing season prior to the harvest of the pollock authorized for the D season. NMFS opened the subsequent C season fishery to directed fishing effective 1200 hrs, A.l.t. September 14, 1999. The opening notice will be published in the **Federal Register** on September 17, 1999.

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the third seasonal allowance of pollock TAC in Statistical Area 630 has been reached and that sufficient amounts of the C season allowance were harvested to close the C fishing season which will initiate the regulatory schedule to open the D season. The Regional Administrator has established a directed fishing allowance of 7,379 mt for the C season allowance and has set aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries prior to the start of the D season. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 from 1200 hrs, A.l.t., September 16, 1999. Pursuant to 679.23(d)(3)(iv) the D season fishery will open 1200 hrs, A.l.t. September 21, 1999.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the third seasonal TAC limitations and other restrictions on the fisheries established in the Final 1999 Harvest Specifications for Groundfish in the GOA. It must be implemented immediately to prevent overharvesting the third seasonal allowance of pollock TAC in Statistical Area 630 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by §§ CFR 679.20 and 679.23 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24564 Filed 9–16–99; 2:01 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 182
Tuesday, September 21, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1126

[DA–99–08]

Milk in the Texas Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal that would reinstate suspension of portions of the pool plant and producer milk definitions of the Texas Federal milk order until the implementation of Federal order reform. Dairy Farmers of America, Inc. (DFA), a cooperative association that represents producers who supply milk to the market, has requested the reinstatement of the suspension that expired July 31, 1999. The cooperative asserts that the suspension is necessary to ensure that dairy farmers who have historically supplied the Texas market will continue to have their milk priced under the Texas order without incurring costly and inefficient movements of milk.

DATES: Comments are due no later than September 28, 1999.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, PO Box 96456, Washington, DC 20090–6456, (202) 720–9368, e-mail address: clifford.carman@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of May 1999, the milk of 1,314 producers was pooled on the Texas Federal milk order. Of these producers, 812 producers were below the 326,000-pound production guideline and are considered small businesses. During May, there were 12 handlers operating 21 pool plants under the Texas order. Four of these handlers would be considered small businesses.

This proposal would suspend portions of the pool plant and producer milk definitions under the Texas order. The proposed action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that dairy farmers would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Preliminary Statement

Notice is hereby given that, pursuant to the provisions of the Act, the suspension of the following provisions of the order regulating the handling of milk in the Texas marketing area is being considered for a period that would terminate upon implementation of Federal milk order reform—the final rule issued September 1, 1999 (64 FR 47898) and with an effective date of October 1, 1999:

1. In § 1126.7(d) introductory text, the words ''during the months of February through July'' and the words ''under paragraph (b) or (c) of this section''.

2. In § 1126.7(e) introductory text, the words ''and 60 percent or more of the producer milk of members of the cooperative association (excluding such milk that is received at or diverted from pool plants described in paragraphs (b), (c), and (d) of this section) is physically received during the month in the form of a bulk fluid milk product at pool plants described in paragraph (a) of this section either directly from farms or by transfer from plants of the cooperative association for which pool plant status

under this paragraph has been requested''.

3. In § 1126.13(e)(1), the words ''and further, during each of the months of September through January not less than 15 percent of the milk of such dairy farmer is physically received as producer milk at a pool plant''.

4. In § 1126.13, paragraph (e)(2).

5. In § 1126.13(e)(3), the sentence ''The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such pool plant during the month that is eligible to be diverted by the plant operator;''.

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures for timely implementation of the suspension.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Programs offices during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

This proposed action would reinstate the suspension of portions of the pool plant and producer milk definitions under the Texas order that expired July 31, 1999. The proposed suspension would be in effect from the day after publication of the suspension in the **Federal Register** until the implementation of Federal order reform (October 1, 1999). The proposed action would suspend: (1) The 60 percent delivery standard for pool plants operated by cooperatives; (2) the diversion limitation applicable to cooperative associations; (3) the limits on the amount of milk that a pool plant operator may divert to nonpool plants; (4) the shipping standards that must be met by supply plants to be pooled under the order; and (5) the individual producer performance standards that must be met in order for a producer's milk to be eligible for diversion to a nonpool plant.

The order provides for regulating, as a supply plant, a plant that each month ships a sufficient percentage of its receipts to distributing plants. The order sets the requirement as 15 percent of the plant's milk receipts during August and December and 50 percent of the plant's receipts during September through November and January. In addition, the order provides that a plant that is pooled, as a supply plant, during each of the immediately preceding months of September through January is pooled under the order during the following months of February through July without making qualifying shipments to distributing plants. The requested action would suspend these performance standards, but only for supply plants that were regulated under the Texas order during each of the immediately preceding months of September through January.

The order also permits a cooperative association plant located in the marketing area to be a pool plant if at least 60 percent of the producer milk of members of the cooperative association is physically received at pool distributing plants during the month. In addition, a cooperative association may divert to nonpool plants up to one-third of the amount of milk that the cooperative causes to be physically received during the month at handlers' pool plants, and the operator of a pool plant may divert to nonpool plants not more than one-third of the milk that is physically received during the month at the handler's pool plant. The proposed action would suspend the 60 percent delivery standard for plants operated by a cooperative association and remove the diversion limitations applicable to a cooperative association and to the operator of a pool plant.

The order also specifies that some milk of each producer must be physically received at a pool plant in order for any of the producer's milk to be eligible for diversion to a nonpool plant. During the months of September through January, 15 percent of a producer's milk must be received at a pool plant for the remainder to be eligible for diversion. The proposed action would suspend these requirements.

The reinstatement of the suspension was requested by DFA, a cooperative association that represents a substantial number of dairy farmers who supply the Texas market. The cooperative stated that marketing conditions have not changed materially since the provisions were initially suspended, prior to 1990, and therefore should be suspended until restructuring of the Federal order program is implemented as mandated in the 1996 Farm Bill.

The cooperative states that the reinstatement of the suspension is necessary to assure that dairy farmers who have historically supplied the Texas market will have their milk priced under the Texas order. In addition, DFA maintains that the suspension would provide handlers the flexibility needed to move milk supplies in the most efficient manner and to eliminate costly and inefficient movements of milk that would be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the market.

Accordingly, it may be appropriate to suspend the aforesaid provisions effective upon the day after the date of publication of the suspension in the **Federal Register**, continuing until implementation of Federal order reform.

List of Subjects in 7 CFR Part 1126

Milk marketing orders.

The authority citation for 7 CFR Part 1126 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: September 15, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99–24568 Filed 9–20–99; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 340

RIN 3064–AB37

Restrictions on the Purchase of Assets From the Federal Deposit Insurance Corporation

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is proposing to issue a rule implementing the requirements of the Resolution Trust Corporation Completion Act of 1993 that assets held by the FDIC in the course of liquidating any federally insured institution not be sold to persons who, in ways specified in the Act, contributed to the demise of an insured institution. The proposed rule establishes a self-certification process that is a prerequisite to the purchase of assets from the FDIC and provides definitions that effectuate the intent of Congress regarding the scope of the statutory prohibitions.

DATES: Written comments must be received on or before December 20, 1999.

ADDRESSES: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th St., N.W., Washington, D.C. 20429.

Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F street), between the hours of 7:00 a.m. and 5:00 p.m. on business days. (Fax number (202) 898–3838; Internet: comments@FDIC.gov). Comments will be available for inspection and photocopying in the FDIC Public Information Center, Room 100, 801 17th Street, N.W., Washington, D.C., between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Steven K. Trout, Senior Resolutions Specialist, Division of Resolutions and Receiverships, 202–898–3758, or Elizabeth Falloon, Counsel, Legal Division, 202–736–0725, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 20 of the Resolution Trust Corporation Completion Act of 1993 (RTCCA or Act) amends section 11(p) of the Federal Deposit Insurance Act (FDI Act) by adding a provision that restricts the class of persons eligible to purchase assets held by the FDIC in the course of liquidating depository institutions. The Act amended the FDI Act by requiring the FDIC to promulgate regulations which, at a minimum, prohibit the sale of an asset of a failed financial institution to certain individuals or entities who may have contributed to the demise of that institution and prohibit the sale of an asset using FDIC financing to persons who have defaulted and engaged in fraudulent activities with respect to a loan from the institution. The FDIC has adopted policies beginning in 1991 that addressed various statutory goals as well as other policy concerns. The proposed regulation will meet the requirements of the statute, and the FDIC will continue to have other policies regarding purchaser eligibility, such as policies regarding purchase by individuals and entities who are delinquent in payment of obligations to the FDIC and purchase by FDIC contractors.

The FDIC's implementation of the requirements of the statute expands upon the minimum established by statute in several respects. Under the regulation, prospective purchasers will be restricted from buying assets from failed financial institutions for which the FDIC is conservator or receiver in the following circumstances:

Under § 340.3 of the proposed regulation, if a person or entity (or its associated person, as that term is defined) has defaulted on obligations owed to failed financial institutions and the FDIC that aggregate over $1 million, and made fraudulent misrepresentations in connection with any one of those obligations, such a person or entity is prohibited from purchasing any assets of failed financial institutions using FDIC financing. Although the statute would restrict only the sale of assets from the failed financial institution that held the defaulted obligation of the proposed purchaser, restrictions contained in the regulation apply regardless of which failed institution's assets are being sold. Because assets are passed through various institutions from time to time before and after the institutions are placed in receivership and are sometimes acquired from institutions in their corporate capacity, it can be difficult to ascertain which institution may have sustained a loss associated with a particular asset, or which institution held the asset in question at various points in time. Also, assets are sometimes sold in bulk, combining assets from several failed financial institutions. These factors would make it cumbersome to limit the restriction to the assets of the particular institution that incurred the loss. Moreover, the FDIC believes adopting this more stringent approach is consistent with the Act as the statute sets only the minimum standards that the FDIC must set in its rule.

Section 340.4(a)(1) of the regulation provides that if a person participated as an officer or director of a failed financial institution or of a related entity in a material way in one or more transactions that resulted in a substantial (*i.e.*, greater than $50,000) loss to that failed financial institution, the person would not, using any source of payment or financing (*i.e.*, whether or not the FDIC provides financing), be permitted to purchase an asset of any failed institution from the FDIC. The proposed rule establishes parameters to determine whether a person or entity has ''participated in a material way in a transaction that caused a substantial loss to a failed institution'', as this phrase is not defined in the statute. This definition includes anyone who has been found by a court or tribunal (or, in certain circumstances, has been alleged in formal legal proceedings) in connection with a substantial loss to a failed institution to have (i) violated any federal banking laws or to have breached a written agreement with a federal banking agency or with the failed financial institution; (ii) engaged in an unsafe or unsound practice in conducting the affairs of the failed institution; or (iii) breached a fiduciary duty to the failed institution.

Under § 340.4(a)(2), if a person has, by federal regulatory action, been removed from or barred from participating in the affairs of any failed financial institution, the person would not, using any source of payment or financing, be permitted to purchase an asset of any failed financial institution from the FDIC.

Under § 340.4(a)(3), if a person or related entity has demonstrated a pattern or practice of defalcation, as defined in the proposed rule, regarding an obligation to a failed financial institution, the person would be barred from purchasing any asset or assets of any failed institution from the FDIC, regardless of the intended source of financing or payment. The definition of ''pattern or practice of defalcation'' requires more than one incident involving either intent or reckless disregard for whether a loss was caused and requires that the resulting loss be ''substantial''.

Finally, under § 340.4(a)(4), no person who has defaulted on an obligation to a failed institution and has been convicted of committing, or conspiring to commit, any offense under section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, 1341, 1343 or 1344 of Title 18 of the United States Code (having generally to do with financial crimes, fraud and embezzlement) affecting any failed institution will be permitted to purchase any asset of any failed institution from the FDIC.

In promulgating this regulation, the FDIC does not intend to imply that it will provide seller financing in connection with any asset sales nor that, if it determines to provide seller financing, it will do so to a person who does not meet other criteria, such as creditworthiness, as the FDIC may lawfully impose. Further, the FDIC expressly reserves its authority to promulgate other policies and rules restricting purchaser eligibility to buy assets from the FDIC.

The proposed rule provides for implementation of the restrictions set forth above through a self-certification process. All purchasers of assets covered by the regulation, other than federal, state and local governmental agencies and instrumentalities and government-sponsored entities such as Government National Mortgage Association, Fannie Mae and Freddie Mac, will be required to execute a Purchaser Eligibility Certification in the form established by the FDIC. Because of the nature of these entities, including their organizational purposes or goals and the fact that they are subject to strict

governmental control or oversight, it is reasonable to presume compliance without requiring self-certification. However, authority is given to the Director of the FDIC's Division of Resolutions and Receiverships, or his designee, to require a certification from any of these entities if facts exist that suggest that such a prospective purchaser would fall within the restricted categories. Comment is expressly sought about the nature and scope of this aspect of the certification requirement.

The prohibitions do not apply to a sale or transfer of assets that is part of a workout or settlement of obligations to a failed institution.

Paperwork Reduction Act

As indicated by § 340.7 of the proposed rule, the FDIC intends to develop a purchaser eligibility certification relating to this rule. If the certification is covered by the Paperwork Reduction Act, the FDIC will publish **Federal Register** notices and make submissions to the Office of Management and Budget consistent with the requirements of 5 CFR 1320.10.

Regulatory Flexibility Act

The only burden imposed by this regulation is the completion of a certification form described above in the Paperwork Reduction Act section. The burden produced by this requirement does not require the use of professional skills or the preparation of special reports or records and has a minimal impact, economic and time-wise, on those individuals and entities that seek to purchase assets from the FDIC. Moreover, this minimal burden is imposed only on those entities voluntarily seeking to purchase assets from the FDIC. Accordingly, the Board hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603 and 604) are not applicable.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families.

The FDIC has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 340

Asset disposition, Banks, banking.

For the reasons set out in the preamble, the FDIC hereby proposes to amend chapter III of title 12 of the Code of Federal Regulations by adding a new part 340 as follows:

PART 340—RESTRICTIONS ON SALE OF ASSETS BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

Sec.
340.1 Authority, purpose, scope and preservation of existing authority.
340.2 Definitions.
340.3 Restrictions on the sale of assets by the FDIC in conjunction with a loan or extension of credit.
340.4 Restrictions on the sale of assets by the FDIC regardless of the method of financing.
340.5 Independent determination of eligibility for seller financing.
340.6 Certain asset sales unaffected by this part.
340.7 Certification required.
340.8 Workout, resolution, or settlement of obligations.

Authority: 12 U.S.C. 1819 (Tenth), 1821(p).

§ 340.1 Authority, purpose, scope and preservation of existing authority.

(a) *Authority.* This part is issued by the Federal Deposit Insurance Corporation (FDIC) pursuant to section 11(p) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(p), as added by section 20 of the Resolution Trust Corporation Completion Act (Pub. L. 103–204, 107 Stat. 2369 (1993).

(b) *Purpose.* The sale by the FDIC of assets of any failed financial institution to certain persons who profited or engaged in wrongdoing at the expense of an insured institution, or seriously mismanaged an insured institution, is prohibited.

(c) *Scope.* The restrictions of this part generally apply to assets owned or controlled by the FDIC in any capacity, even though the assets are not owned by the insured institution that the prospective purchaser injured. Unless the FDIC determines otherwise, this part shall not apply to the sale of securities in connection with the investment of corporate and receivership funds pursuant to the Investment Policy for Liquidation Funds managed by the FDIC as the same shall be in effect from time to time. These restrictions shall not apply to any sale by a trust or other entity of securities backed by a pool of assets that may include assets of failed institutions to a purchaser other than the underwriter purchasing in an initial offering.

(d) *Preservation of existing authority.* Neither section 11(p) of the FDI Act nor this part in any way limits the authority of the FDIC to establish policies prohibiting the sale of assets to prospective purchasers who have injured any FDIC-insured institution or to other prospective purchasers, such as certain employees or contractors of the FDIC, or individuals who are not in compliance with the terms of any debt or duty owed to the FDIC. Any such policies may be independent of, in conjunction with, or in addition to the restrictions set forth in this part.

§ 340.2 Definitions.

(a) *Associated person* of an entity or individual shall mean:

(1) With respect to an individual:

(i) That individual's spouse or dependent child or any member of that individual's immediate household;

(ii) A partnership of which that individual is or was a general or limited partner; or

(iii) A corporation of which that individual is or was an officer or director;

(2) With respect to a partnership, a managing or general partner of the partnership; or

(3) With respect to any entity, an individual or entity who, acting individually or in concert with one or more individuals or entities, owns or controls 25 percent or more of the entity.

(b) *Default* shall mean any failure to comply with the terms of an obligation to such an extent that:

(1) A judgment has been rendered in favor of the FDIC or a failed institution; or (2) In the case of a secured obligation, the property securing such obligation is foreclosed on.

(c) *FDIC* shall mean the Federal Deposit Insurance Corporation.

(d) *Failed institution* shall mean any bank or savings association that has been under the conservatorship or receivership of the FDIC or RTC. For the purpose of this part, ''failed institution'' shall be deemed to include any entity owned and controlled by a failed institution.

(e) *Obligation* shall mean any debt or duty to pay money owed to the FDIC or a failed institution, including any guarantee of any such debt or duty.

(f) *Person* shall mean an individual, or an entity with a legally independent existence, including, without limitation, a trustee; the beneficiary of at least a 25 percent share of the proceeds of a trust; a partnership; a corporation; an association; or other organization or society.

(g) *RTC* shall mean the former Resolution Trust Corporation.

(h) *Substantial loss* shall mean:

(1) An obligation that is delinquent for ninety (90) or more days and on which there remains an outstanding balance of more than $50,000;

(2) An unpaid final judgment in excess of $50,000 regardless of whether it becomes forgiven in whole or in part in a bankruptcy proceeding;

(3) A deficiency balance following a foreclosure of collateral in excess of $50,000, regardless of whether it becomes forgiven in whole or in part in a bankruptcy proceeding;

(4) Any loss in excess of $50,000 evidenced by an IRS Form 1099–C (Information Reporting for Discharge of Indebtedness).

§ 340.3 Restrictions on the sale of assets by the FDIC in conjunction with a loan or extension of credit.

A person shall not, in purchasing one or more assets from the FDIC or any failed institution, receive a loan, advance, or other extension of credit from the FDIC or any failed institution, if:

(a) There has been a default with respect to one or more obligations totaling in excess of $1,000,000 owed by that person or its associated person; and

(b) Such person or its associated person shall have made any fraudulent misrepresentations in connection with any such obligation(s).

§ 340.4 Restrictions on the sale of assets by the FDIC regardless of the method of financing.

(a) No person may acquire any assets from the FDIC or from any failed institution if the person or its associated person:

(1) Has participated, as an officer or director of a failed institution or of an affiliate of a failed institution, in a material way in one or more transaction(s) that caused a substantial loss to that failed institution;

(2) Has been removed from, or prohibited from participating in the affairs of, a failed institution, pursuant to any final enforcement action by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the FDIC, or the successors of any of them;

(3) Has demonstrated a pattern or practice of defalcation regarding obligations to any failed institution; or

(4) Has been convicted of committing or conspiring to commit any offense under section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, 1341, 1343 or 1344 of title 18 of the United States Code affecting any failed institution and there has been a default with respect to one or more obligations owed by that person or its associated person.

(b) For purposes of paragraph (a) of this section, a person has participated ''in a material way in a transaction that caused a substantial loss to a failed institution'' if, in connection with a substantial loss to a failed institution, the person has been found in a final determination by a court or administrative tribunal, or is alleged in a judicial or administrative action brought by the FDIC or by any component of the government of the United States or of any state:

(1) To have violated any law, regulation, or order issued by a federal or state banking agency, or breached or defaulted on a written agreement with a federal or state banking agency, or breached a written agreement with a failed institution;

(2) To have engaged in an unsafe or unsound practice in conducting the affairs of a failed institution; or

(3) To have breached a fiduciary duty owed to a failed institution.

(c) For purposes of paragraph (a) of this section, a person or its associated person shall have demonstrated a pattern or practice of defalcations regarding obligations to a failed institution if the person or associated person has engaged in the following:

(1) The person or associated person has engaged in more than one transaction which created an obligation on the part of such person or its associated person with intent to cause a loss to any financial institution insured by the FDIC or with reckless disregard for whether such transactions would cause a loss to any such insured financial institution; and

(2) Such transactions, in the aggregate, caused a substantial loss to one or more failed institution(s).

§ 340.5 Independent determination of eligibility for seller financing.

The absence of any disqualification under the restrictions set forth in this part does not create any right to obtain a loan or advance by or through the FDIC or remove the right of the FDIC to make an independent determination, based upon all relevant facts of the offeror's financial condition and history, of the offeror's eligibility to receive any such loan or advance.

§ 340.6 Certain asset sales unaffected by this part.

The effectiveness of this part shall not affect the enforceability of a contract of sale and/or agreement for seller financing in effect prior to [insert effective date of final rule].

§ 340.7 Certification required.

(a) Except as provided in paragraph (b) of this section, no person shall purchase any asset from the FDIC, unless that person shall have certified, under penalty of perjury with notice that a false certification may lead to punishment under 18 U.S.C. 1001, 1007, 1014 and 1621, in such form as may be established by the FDIC, that none of the restrictions contained in this part applies to such purchase.

(b) Notwithstanding paragraph (a) of this section, no certification shall be required of a state or political subdivision thereof, a federal agency or instrumentality, the Government National Mortgage Association, Fannie Mae, or Freddie Mac; provided however, that the Director of the FDIC's Division of Resolutions and Receiverships, or his designee, may, in his discretion, require a certification of any such entity.

§ 340.8 Workout, resolution, or settlement of obligations.

The restrictions of §§ 340.3 and 340.4 shall not apply if the sale or transfer of an asset resolves or settles, or is part of the resolution or settlement of, one or more obligations, regardless of the amount of such obligations.

By Order of the Board of Directors.

Dated at Washington, D.C. this 31st day of August, 1999.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 99–24541 Filed 9–20–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 432

Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products

AGENCY: Federal Trade Commission.

ACTION: Notice of extension of comment period.

SUMMARY: On July 19, 1999, the Federal Trade Commission (the ''Commission'') commenced a rulemaking proceeding and requested public comments on a notice of proposed rulemaking to amend its Rule relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products (the ''Amplifier Rule'' or the ''Rule''). The Commission solicited comments until September 17, 1999. In response to a request from an industry trade association, the Commission grants an extension of the comment period until October 15, 1999.

DATES: Written comments will be accepted until October 15, 1999.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as ''16 CFR Part 432 Comment—Amplifier Rule.'' If possible, submit comments both in writing and on a personal computer diskette in Word Perfect or other word processing format (to assist in processing, please identify the format and version used). Written comments should be submitted, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Dennis Murphy, Economist, Division of Consumer Protection, Bureau of Economics, (202) 326-3524, or Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–3038, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On July 19, 1999, as part of its regulatory review program, the Commission published in the **Federal Register** a request for public comments on a notice of proposed rulemaking to amend its Amplifier Rule, 16 CFR part 432 (64 FR 38610). The Amplifier Rule was promulgated on May 3, 1974 (39 FR 15387), to assist consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. Specifically, the **Federal Register** notice solicited public comments on Commission proposals to amend the Amplifier Rule to: Exempt sellers who make power output claims in media advertising from the Rule's requirement to disclose total rated harmonic distortion and the associated power bandwidth and impedance ratings; clarify the manner in which the Rule's testing procedures apply to self-powered subwoofer-satellite combination speaker systems; and reduce the preconditioning power output requirement in the Rule from one-third of rated power to one-eighth of rated power. Pursuant to the **Federal Register** notice, the comment period on the notice of proposed rulemaking currently ends on September 17, 1999.

On September 7, 1999, the Commission staff received a request for an extension of the comment period from the Consumer Electronics Manufacturers Association (''CEMA''). CEMA has indicated that additional time is required for its members to prepare thorough, thoughtful responses to the proposals and questions contained in the **Federal Register** notice.

The Commission is aware that some of the issues raised by the **Federal Register** notice are complex and technical. Accordingly, to provide sufficient time for interested parties to prepare useful comments, the Commission has decided to extend the deadline for comments on its notice of proposed rulemaking by twenty-eight (28) days, until October 15, 1999.

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 432

Amplifiers, Home entertainment products, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–24555 Filed 9–17–99; 8:55 am]

BILLING CODE 6750–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR55–7270–b; FRL–6438–6]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Oregon for the purpose of bringing the Lakeview, Oregon into attainment for the National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM10). The SIP revision was submitted by the State to satisfy Federal Clean Air Act requirements for moderate PM10 nonattainment areas.

In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule.

If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by October 21, 1999.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below.

Copies of the state submittal are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101; State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.

Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Ave, Seattle, Washington 98101 (206) 553–1388.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: August 23, 1999.

Chuck Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 99–24448 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[SD–001–0005 & SD–001–0006; FRL–6441–5]

Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the South Dakota State Implementation Plan (SIP) which update the State's incorporation by reference of the Federal New Source Performance Standards (NSPS). The SIP revisions were submitted by the designee of the Governor of South Dakota on May 2, 1997 and on May 6, 1999. The State adopted the Federal NSPS by reference in subchapter

74:36:07 of the Administrative Rules of South Dakota (ARSD). The State also repealed a rule that required stack tests for asphalt batch plants, other than the initial stack test required by the NSPS, to be performed if certain conditions existed. EPA proposes to approve the revisions to the ARSD 74:36:07 because the revisions are consistent with Federal regulations.

This proposed approval action does not extend to sources in Indian country. In this document, EPA proposes to clarify the interpretation of Indian country in South Dakota.

DATES: Written comments must be received on or before October 21, 1999.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202. Copies of the documents relative to this action are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Copies of the State documents relevant to this action are available for public inspection at the Air Quality Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. What Action is EPA Proposing Today?

EPA proposes to approve two revisions to the South Dakota's NSPS regulations in subchapter 74:36:07 of the ARSD, except for those sources located in Indian country. These revisions were submitted for approval as part of the SIP on May 2, 1997 and on May 6, 1999.

The State's May 2, 1997 and May 6, 1999 SIP submittals included revisions to other subchapters of the ARSD. We acted on most of those revisions submitted on May 2, 1997 in an October 19, 1998 rulemaking (see 63 FR 55804–55807). In this document, we only propose to act on the revisions to ARSD 74:36:07. We will act on the revisions to the other subchapters of the ARSD included in these two submittals in separate rulemakings.

II. What Changes Were Made to South Dakota's NSPS regulation?

In South Dakota's May 2, 1995 SIP submittal, the State adopted four new NSPS categories in subchapter 74:36:07 of the ARSD. Specifically, the State incorporated by reference the following subparts of the Federal NSPS in 40 CFR part 60 as in effect on July 1, 1995 unless otherwise stated: subpart Eb (pertaining to large municipal waste combustors) as promulgated by EPA on December 19, 1995 (59 FR 65419–65436); 40 CFR part 60, subpart RRR (pertaining to the synthetic organic chemical manufacturing industry reactor processes); 40 CFR part 60, subpart UUU (pertaining to calciners and dryers in mineral industries); and 40 CFR part 60, subpart WWW (pertaining to municipal solid waste (MSW) landfills) as promulgated by EPA on March 12, 1996 (61 FR 9918–9929). The State also updated its existing NSPS to incorporate by reference the July 1, 1995 version of the Federal NSPS.

In South Dakota's May 6, 1999 SIP submittal, the State adopted one new NSPS subpart in subchapter 74:36:07 of the ARSD: 40 CFR part 60, subpart Ec (pertaining to hospital/medical/infectious waste incinerators) as promulgated by EPA on September 15, 1997 (62 FR 48383–48390). The State also updated its incorporated by reference of 40 CFR part 60, subpart Eb (pertaining to municipal waste combustors) to reflect the version in effect as of July 1, 1997 and of 40 CFR part 60, subpart WWW (pertaining to MSW landfills) to reflect the version in effect as of July 1, 1997 as revised on June 16, 1998 (63 FR 32750–32753). Last, the State repealed its additional provisions for asphalt batch plants in section 74:36:07:11 of the ARSD. This section previously required stack tests at asphalt batch plants, aside from the initial stack test required by the NSPS, if certain conditions existed. The State repealed this section because it was repetitive with recent changes to the ARSD. The State still has the ability to require stack performance tests at any time to determine compliance with emission limits.

III. Why is EPA Proposing To Approve the South Dakota Revisions to the NSPS?

EPA proposes to approve these revisions to South Dakota's NSPS in ARSD 74:36:07 because the revisions ensure that the State's NSPS are up to date with the Federal NSPS.

We also believe that the State met EPA's completeness criteria, including the public participation requirements of sections 110(a)(2) and 110(l) of the Clean Air Act, for the adoption of these revisions to ARSD 74:36:07. Specifically, the State of South Dakota held a public hearing on November 20, 1996, after providing notice to the public, for the revisions to the ARSD submitted to EPA on May 2, 1997. For the SIP revisions submitted on May 6, 1999, the State held a public hearing on February 18, 1999 after providing notice to the public.

IV. How Does This Proposed Action Affect Sources in Indian Country as Interpreted in South Dakota?

EPA has been consulting with the affected Tribes and has had discussions with the State regarding the extent of Indian country in South Dakota. Based on these discussions, we propose the following language. Recognizing that the affected parties may have differing opinions, we invite comment from the Tribes, the State and others.

EPA's decision to approve these revisions to the South Dakota SIP regarding NSPS does not include any land that is, or becomes after the date of this authorization, ''Indian country,'' as defined in 18 U.S.C. 1151, including:

A. Land within formal Indian reservations located within or abutting the State of South Dakota, including the:

1. Cheyenne River Indian Reservation,
2. Crow Creek Indian Reservation,
3. Flandreau Indian Reservation,
4. Lower Brule Indian Reservation,
5. Pine Ridge Indian Reservation,
6. Rosebud Indian Reservation,
7. Standing Rock Indian Reservation, and
8. Yankton Indian Reservation.

B. Any land held in trust by the United States for an Indian tribe, and

C. Any other land, whether on or off a reservation, that qualifies as Indian country.

Moreover, in the context of these principles, a more detailed discussion for three reservations follows.

Rosebud Sioux Reservation

In a September 16, 1996, **Federal Register** notice regarding EPA's final determination of adequacy of South Dakota's municipal solid waste permit program over non-Indian lands, EPA noted that the U.S. Supreme Court in *Rosebud Sioux Tribe* v. *Kneip*, 430 U.S. 584 (1977), determined that three Congressional acts diminished the Rosebud Sioux Reservation and that it no longer includes Gregory, Tripp, Lyman and Mellette Counties. See 61 FR 48683. Accordingly, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for all land in Gregory, Tripp, Lyman and Mellette Counties that was formerly within the 1889 Rosebud Sioux Reservation boundaries and does not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval

does not include any trust or other land in Gregory, Tripp, Lyman and Mellette Counties that qualifies as Indian country.

Lake Traverse (Sisseton-Wahpeton) Reservation

In the September 16, 1996, **Federal Register** document, EPA noted that the U.S. Supreme Court in *DeCoteau* v. *District County Court,* 420 U.S. 425 (1975), determined that an Act of Congress disestablished the Lake Traverse (Sisseton-Wahpeton) Reservation. Therefore, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for all land that was formerly within the 1867 Lake Traverse Reservation boundaries and does not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval does not include any trust or other land within the former Lake Traverse Reservation that qualifies as Indian country.

Yankton Sioux Reservation

The U.S. Supreme Court's ruling in *South Dakota* v. *Yankton Sioux Tribe,* 522 U.S. 329 (1998), found that the Yankton Sioux Reservation has been diminished by the unallotted, ''ceded'' lands, that is, those lands that were not allotted to Tribal members and that were sold by the Yankton Sioux Tribe to the United States pursuant to an Agreement executed in 1892 and ratified by the United States Congress in 1894. Accordingly, EPA proposes to approve these revisions to the South Dakota SIP regarding NSPS for unallotted, ceded lands that were ceded as a result of the Act of 1894, 28 Stat. 286 and do not otherwise qualify as Indian country under 18 U.S.C. 1151. This proposed approval does not include any trust or other land within the original boundaries of the Yankton Sioux Reservation that qualifies as Indian country under 18 U.S.C. 1151. EPA acknowledges that there may be further interpretation of land status by the final federal court decision in *Yankton Sioux Tribe* v. *Gaffey,* Nos. 98–3893, 3894, 3986, 3900. If Indian country status changes as a result of *Gaffey,* EPA will act to modify this SIP approval as appropriate.

V. EPA Requests Public Comment on this Proposal

For the reasons discussed above, EPA is proposing to approve South Dakota's May 2, 1997 and May 6, 1999 SIP revisions regarding the State's NSPS regulations in subchapter 74:36:07 of the ARSD, except for those sources located in Indian country. EPA also proposes to clarify the interpretation of Indian country in South Dakota. We solicit public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

VI. What Are the Administrative Requirements Associated With This Action?

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Orders on Federalism

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation.

In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's proposed rule would not create a mandate on state, local, or tribal governments. The proposed rule would not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This proposed rule will not have a substantial direct effect on 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, as specified in Executive Order 12612. The proposed rule would affect only one State, and would not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's proposed rule would not significantly or uniquely affect the communities of Indian tribal

governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule would not have a significant impact on a substantial number of small entities because SIP approvals under section 110 of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the proposed Federal SIP approval would not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed would not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, would result from this proposed action.

G. National Technology Transfer and Advancement Act

Section 12 of the National Technology and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes VCS are inapplicable to this proposed action. Today's proposed action would not require the public to perform activities conducive to the use of VCS.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 60

Environmental protection, Air pollution control, Aluminum, Ammonium sulfate plants, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Drycleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Household appliances, Insulation, Intergovernmental relations, Iron, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Tires, Urethane, Vinyl, Waste treatment and disposal, Wool, Zinc.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 13, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 99–24508 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400140A; FRL–6382–9]

RIN 2070–AD38

Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On August 3, 1999, EPA issued a proposed rule to lower the reporting thresholds for lead and lead compounds which are subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds. The purpose of this action is to inform interested parties that, in response to several requests, EPA is extending the comment period by 45 days until November 1, 1999. The comment period for the proposed rule was scheduled to close on September 17, 1999.

DATES: Written comments, identified by the docket control number OPPTS–400140, must be received by EPA on or before November 1, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882, e-mail: bushman.daniel@epamail.epa.gov, for specific information on this action, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877 or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use lead or lead compounds. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Facilities that: process copper ores, lead and zinc ores; operate pulp mills, petroleum refineries, primary copper smelters, primary and secondary nonferrous metal smelters, gray/ductile iron foundries, steel foundries, blast furnaces, steel mills, petroleum bulk stations and terminals, industrial boilers that burn coal, wood, petroleum products, and electric utilities that combust coal and/or oil for distribution of electricity in commerce; facilities that manufacture, process, or use inorganic pigments, small arms ammunition, asphalt paving mixtures and blocks, storage batteries, motor vehicles and motor vehicle equipment; manufacture electronic components and accessories.
Federal Government	Federal facilities that: manufacture, process, or use lead or lead compounds; burn coal or petroleum products.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically*. You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**--Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at http://www.epa.gov//fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–400140. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., ''OPPTS–400140'') in your correspondence.

1. *By mail*. Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is: 202–260–7093.

3. *Electronically*. Submit your comments electronically by E-mail to: ''oppt.ncic@epamail.epa.gov.'' Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400140. Electronic comments on this proposal may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. Background Information

A. What Does this Notice Do and What Action Does this Notice Affect?

This notice extends the comment period for EPA's August 3, 1999 proposed rule (64 FR 42222) (FRL–6081–4) to lower the reporting thresholds for lead and lead compounds which are subject to reporting under EPCRA section 313 and PPA section 6607. EPA proposed the lowering of the

reporting thresholds for lead and lead compounds pursuant to its authority under EPCRA section 313(f)(2) to revise reporting thresholds. The August 3, 1999 proposed rule also included a limitation on the reporting of lead when contained in certain alloys and proposed modifications to certain reporting exemptions and requirements for lead and lead compounds.

B. Why and for How Long is EPA Extending the Comment Period?

EPA has received requests from a number of groups to extend the comment period for the August 3, 1999 proposed rule. These groups include the American Electroplaters and Surface Finishing Society, American Iron and Steel Institute, American Petroleum Institute, American Zinc Association, ASARCO Incorporated, Chemical Manufactures Association, Coalition for Safe Ceramicware, Colorado Mining Association, Color Pigments Manufacturers Association, Columbus Galvanizing, Edison Electric Institute, Electronic Industries Alliance, Galvan Industries Incorporated, Hampden Fence Supply Incorporated, Hornady Manufacturing Company, Independence Mining Company Incorporated, Industrial Galvanizers Southeastern, International Crystal Federation, IPC - Association Connecting Electronics Industries, Kennecott Utah Copper Corporation, Lead Industries Association, National Association of Metal Finishers, National Mining Association, North American Coal Corporation, Metal Finishing Suppliers Association, Phelps Dodge Corporation, Society of Glass and Ceramic Decorators, United States House of Representatives Committee on Small Business, and Woven Electronics Corporation. These groups have requested additional time to review relevant information and prepare comments on the proposed rule. EPA has considered these comments and has determined that extending the comment period is an appropriate action that will not cause a significant delay in the evaluation of the proposed rule. Therefore, EPA is extending the comment period on the August 3, 1999 proposed rule by 45 days. All comments must be received by November 1, 1999.

III. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. As indicated previously, this action merely announces the extension of the comment period for the proposed rule. This action does not impose any new requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Nor does it require prior consultation with State, local, and Tribal government officials as specified by Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on 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, as specified in Executive Order 12612, entitled *Federalism* (52 FR 41685, October 30, 1987). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying proposed rule, is discussed in the preamble to the proposed rule (see 64 FR 42222, August 3, 1999).

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: September 15, 1999.

Stephen L. Johnson,

Acting Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–24554 Filed 9–16–99; 1:11 pm]

BILLING CODE 6560–50–F

Notices

Federal Register
Vol. 64, No. 182
Tuesday, September 21, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that a Federally owned invention U.S.Serial No. 09/294,499 filed April 20, 1999, entitled ''Termite Bait Matrix'' is available for licensing and the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Ensystex, Inc., of Fayetteville, North Carolina, an exclusive license to Serial No. 09/294,499.

DATES: Comments must be received on or before December 16, 1999.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Ensystex, Inc., has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 99–24569 Filed 9–20–99; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that a Federally owned invention U.S. Serial No. 09/277,599 filed March 26, 1999, entitled ''Monoclonal Antibodies Against Campylobacter jejuni and Campylobacter coli Outer Membrane Antigens'' is available for licensing and the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Meridian Diagnostics, Inc., of Cincinnati, Ohio, and BioControl Systems, Inc., of Bellevue, Washington, a co-exclusive license to Serial No. 09/277,599.

DATES: Comments must be received on or before December 16, 1999.

ADDRESSES: Send comments to: USDA, ARS, PWA, WRRC , 800 Buchanan Street, Room 2010, Albany, California 94710.

FOR FURTHER INFORMATION CONTACT: Martha Steinbock of the Office of Technology Transfer at the Albany address given above; telephone: 510–559–5641.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Meridian Diagnostics, Inc., and BioControl Systems, Inc., have each submitted a complete and sufficient application for a license. The prospective co-exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 99–24570 Filed 9–20–99; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799C]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Groundfish Strategic Plan Development Committee (Committee) will hold a work session which is open to the public.

DATES: The work session will begin Thursday, October 7, 1999, at 10 a.m. and may go into the evening until business for the day is completed. The work session will reconvene at 8 a.m. on Friday, October 8 and continue throughout the day until business for the day is completed.

ADDRESSES: The work session will be held at the Pacific States Marine Fisheries Commission, Large Conference Room, 45 SE 82nd Drive, Suite 100, Gladstone, OR; telephone: (503) 650–5400.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence D. Six, Executive Director; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to begin drafting a strategic plan for the West Coast groundfish fishery.

Although other issues not contained in this agenda may come before this Committee for discussion, in accordance with the Magnuson-Stevens Fishery

Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This work session is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24483 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799E]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Tilefish Committee will hold a public meeting.

DATES: The meeting will be held on Friday, October 1, 1999, from 9:00 a.m. until 4:00 p.m.

ADDRESSES: The meeting will be held at the Sheraton International Hotel at BWI Airport, 7032 Elm Road, Baltimore, MD; telephone: 410–859–3300.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review the public hearing comments and develop recommendations for Council on the fishery management plan for tilefish.

Although other issues not contained in this agenda may come before the Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, such issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24485 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499G]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Oversight Committee in October, 1999. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate. This will be a joint meeting with the Atlantic States Marine Fisheries Commission Atlantic Herring Section.

DATES: The meeting will held on Wednesday, October 6, 1999, at 10:00 a.m.

ADDRESSES: The meeting will be held at the Trade Winds Motel, 2 Park Drive, Rockland, ME 04841; telephone: (207) 596–6492.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036; telephone: (781) 231–0422.

SUPPLEMENTARY INFORMATION: The committee will discuss various options for developing a controlled access program for the Atlantic herring fishery. The committee also may discuss other herring management issues, including spawning area closures, gear competition and interactions in the Gulf of Maine, management area Total Allowable Catches (TACs) and changing the start of the fishing year.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: September 15, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24486 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091499H]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings. The Council will also meet in joint session with the International Pacific Halibut Commission (IPHC).

DATES: The Council and its advisory bodies will meet in Seattle, WA the week of October 11, 1999. The Council will meet with the IPHC on Tuesday, October 12, beginning at 9:00 a.m , continuing until the agenda is complete. On the same day, immediately following the completion of the joint meeting, but not before 1:00 p.m., the Council will begin its regular plenary session and at 8:00 a.m. on Wednesday, October 13, continuing through Monday, October

18. All meetings are open to the public except Executive Sessions which may be held during the week to discuss litigation and/or personnel matters.

ADDRESSES: All meetings will be held at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The agenda for the Council's joint session with the International Pacific Halibut Commission will include the following subjects:

1. Halibut Bycatch
2. Halibut Charterboat/Recreational Catch Issues
3. Season Extension for Halibut
4. Data for Local Area Management Plans
5. Fee Collection Program
6. Enforcement

The agenda for the Council's normal plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports
(a) Executive Director's Report
(b) State Fisheries Report by Alaska Department of Fish and Game
(c) NMFS Management Report
(d) Enforcement and Surveillance Reports
2. Bering Sea/Aleutian Islands (BSAI) Fixed Gear Pacific Cod Allocations-final approval
3. American Fisheries Act
(a) Performance report on 1999 co-ops: discuss expectations.
(b) Review proposed regulations for crab processing sideboards.
(c) Review report from the Processor Sideboard Committee.
(d) Inshore co-op structure and processor sideboards: final action.
(e) Review progress on amendment for excessive share caps (BSAI harvest and processing).
(f) Update on meeting data requirements.
(g) Review Committee report on Gulf of Alaska co-ops.
(h) Management of red king crab catcher vessel sideboards: discuss.
4. License Limitation Program
(a) Progress report on implementation.
(b) Pacific cod species and gear endorsements: preliminary analysis.
(c) Crab license buyback: discussion.
5. Multispecies Community Development Quotas (CDQ)
(a) Review and comment on State of Alaska's 2000 pollock and associated bycatch CDQ allocations.
(b) CDQ observer coverage: discussion.
6. Recordkeeping & Reporting, & Observers
(a) Observer program: status report.
(b) Electronic shoreside reporting: status report.
7. Steller Sea Lions
(a) Status of litigation, emergency rules for 1999, and amendments for 2000.
(b) Status of Reasonable and Prudent Alternatives and discussion of need for court-ordered revisions.
(8) Groundfish Supplemental Environmental Impact Statement: scoping and further action.
9. Halibut and Sablefish Management
(a) Weighmaster program: further direction.
(b) Halibut subsistence issue: status report and direction as appropriate.
10. Essential Fish Habitat: preliminary review of habitat areas of particular concern.
11. Joint Alaska Board of Fisheries/North Pacific Council Activities:
(a) Review protocol and any other recommendations from joint committee.
(b) Discuss possible amendments to clarify Category 1 and 3 measures in the crab fishery management plan.
12. Magnuson-Stevens Act Reauthorization: Update.
13. Ecosystems Management: Committee Report
14. Groundfish Amendments
(a) Cook Inlet non-pelagic trawl ban: initial review.
(b) Shark and skate management plan: initial review.
(c) Pelagic trawl definition: joint committee report and further action.
15. Groundfish Specifications for 2000
(a) Specifications process: discussion.
(b) Interim specification and associated analyses for 2000: approval.
16. Crab Management
(a) Plan team report and review of Stock Assessment and Fishery Evaluation report.
(b) Bairdi rebuilding plan: final action.
(c) Standdown alternatives: review joint committee recommendations.
(d) Status of C. opilio stocks: staff report and Council direction on development of rebuilding plan.
17. Staff Tasking: Review amendment proposals; give direction to staff.

Advisory Meetings

The Halibut/Sablefish Individual Fishery Quota (IFQ) Committee will meet between 1:00 p.m. and 6:00 p.m. on Sunday, October 10, to review proposals for changes to the IFQ program.

The Advisory Panel will meet beginning at 8:00 a.m. on Monday, October 11, continuing through Thursday, October 14, 1999. The agenda for the Advisory Panel will mirror that of the Council listed above.

The Scientific and Statistical Committee (SSC) will meet beginning at 8:00 a.m. on Monday, October 11, continuing through Wednesday, October 13, 1999. The agenda for the SSC will address scientific issues on the Council agenda.

The Gulf of Alaska Co-op Committee will meet Thursday, October 14, between 6:00 p.m. and 10:00 p.m. to continue discussions on forming cooperatives in the Gulf of Alaska fisheries.

Other committees and workgroups may hold impromptu meetings throughout the meeting week. Such meetings will be announced during regularly-scheduled meetings of the Council, Advisory Panel, and SSC, and will be posted at the hotel.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Helen Allen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: September 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24575 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–820, A–834–804, A–821–804, A–823–804, A–307–807, A–570–819, C–307–808]

Ferrosilicon From Brazil, Kazakhstan, People's Republic of China, Russia, Ukraine, and Venezuela

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, People's Republic of China, Russia, Ukraine, and Venezuela, rescission of countervailing duty order on ferrosilicon from Venezuela, and termination of administrative reviews of ferrosilicon from Brazil, the People's Republic of China, and Venezuela.

SUMMARY: In 1993 and 1994, the Department of Commerce (the Department) issued antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, People's Republic of China (PRC), Russia, Ukraine, and Venezuela, as well as a countervailing duty order on ferrosilicon from Venezuela. The Department subsequently initiated administrative reviews pursuant to these orders. On August 24, 1999, the International Trade Commission (ITC), after reconsidering its previous injury determinations, informed the Department that it had determined that there is no material injury, or threat of material injury, to an industry with regard to ferrosilicon from the above countries. The Department is therefore rescinding these orders, terminating the related reviews, and instructing the U.S. Customs Service (Customs) accordingly.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger or Wendy Frankel, AD/CVD Enforcement, Group II, Office IV, Import Administration, International Trade Administration U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5505 and (202) 482–5849, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

The relevant antidumping and countervailing duty orders were issued prior to the amendments made to the Tariff Act of 1930, as amended (the Act) by the Uruguay Round Agreements Act (URAA). Because this notice addresses an ITC reconsideration made in a proceeding that was governed by the law in effect prior to URAA, all citations to the Act are references to the provisions in existence prior to January 1, 1995 (the effective date of the URAA), unless otherwise indicated.

Scope of Antidumping Duty and Countervailing Duty Orders

The merchandise subject to the orders and administrative reviews in question is ferrosilicon, a ferro alloy generally containing, by weight, not less than four percent iron, more than eight percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element. Ferrosilicon is a ferro alloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant. Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon. Calcium silicon, ferrocalcium silicon, and magnesium ferrosilicon are specifically excluded from the scope of this review. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon, and 28 to 32 percent calcium. Ferrocalcium silicon is a ferro alloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferro alloy containing, by weight, not less than four percent iron, not more than 55 percent silicon, and not less than 2.75 percent magnesium. Ferrosilicon is currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of these orders is dispositive. Ferrosilicon in the form of slag is included within the scope of these orders if it meets, in general, the chemical content definition stated above and is capable of being used as ferrosilicon.

Background

In 1993 and 1994 the Department issued antidumping duty orders on ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela, as well as a countervailing duty order on ferrosilicon from Venezuela. *See Antidumping Duty Order: Ferrosilicon From Brazil,* 59 FR 11769 (March 14, 1994) (*Antidumping Order—Brazil*); *Antidumping Duty Order: Ferrosilicon From the People's Republic of China,* 58 FR 13448 (March 11, 1993) (*Antidumping Order—PRC*); *Antidumping Duty Order: Ferrosilicon From Kazakhstan,* 58 FR 18079 (April 7, 1993) (*Antidumping Order—Kazakhstan*); *Antidumping Duty Order: Ferrosilicon From Russia,* 58 FR 34243 (June 24, 1993) (*Antidumping Order—Russia*); *Antidumping Duty Order: Ferrosilicon From Ukraine,* 58 FR 18079 (April 7, 1993) (*Antidumping Order—Ukraine*); *Antidumping Duty Order: Ferrosilicon from Venezuela,* 58 FR 34243 (June 24, 1993), amended by 60 FR 64018 (December 13, 1995) (*Antidumping Order—Venezuela*); *Countervailing Duty Order: Ferrosilicon From Venezuela,* 58 FR 27539 (May 10, 1993), amended by 58 FR 36394 (July 7, 1993) (*Countervailing Order—Venezuela*).

The Department subsequently initiated administrative reviews under section 751 of the Act pursuant to the orders. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 63 FR 20378 (April 24, 1998) (Brazil—antidumping); *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 64 FR 23269 (April 30, 1999) (Brazil and China—antidumping); *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocation in Part and Deferral of Administrative Review,* 64 FR 35124 (June 30, 1999) (Venezuela—countervailing); *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 64 FR 41075 (July 29, 1999) (Venezuela—antidumping). These five administrative reviews are on-going.

On May 21, 1999, the ITC instituted proceedings to reconsider its original determinations in antidumping investigations Nos. 731–TA–566–570 and 731–TA–641 (Final) concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela, and in countervailing duty investigation No. 303–TA–23 (Final) concerning ferrosilicon from Venezuela.

The ITC made its decision after learning that certain domestic producers had pleaded guilty or had been found guilty of conspiring to fix domestic ferrosilicon prices during the periods of the original investigations. *See Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela*, Inv. Nos. 303–TA–566–570 and 731–TA–641 (*Reconsideration*), USITC Pub. 3218, at 3–4 (August 24, 1999). On August 24, 1999, the ITC informed the Department that it had reconsidered its original material injury determination in these cases. *Id.*

Upon reconsideration, the ITC determined that ''an industry in the United States is neither materially injured nor threatened with material injury by reason of imports of ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela that have been found by the Department of Commerce to be sold at less than fair value and imports of ferrosilicon that the Department of Commerce has found are subsidized by the government of Venezuela.'' *Id.* at 4.

Subsequent to the ITC's publication of its *Reconsideration*, the Department received a letter dated August 30, 1999, from representatives of the domestic ferrosilicon industry, petitioners in this case, regarding the Department's possible revocation of the above named antidumping duty and countervailing duty orders. Petitioners argue that, pursuant to 19 U.S.C. section 1675(d), the Department is only authorized to revoke antidumping or countervailing duty orders after conducting some sort of review of the orders, in which parties have an opportunity to comment and in which the Department sets out the legal and factual basis for its determination to revoke.

The Department also received a letter dated September 1, 1999, from Companhia Carbureto de Calcio, Companhia Ferroligas Minas Gerais-Minasligas, and Zunyi Ferroalloy Imp. & Exp. Company, Brazilian and Chinese respondents who are interested parties in the on-going administrative reviews of the antidumping duty orders on ferrosilicon from Brazil and China. Respondents assert that because the ITC notified the Department that no material injury or threat of material injury existed, pursuant to its reconsideration of the original injury determinations in these cases, the Department must terminate its activity under the affected antidumping and countervailing duty orders. Respondents state that the Department need not revoke the outstanding orders, because there are no longer any orders to revoke. Instead, respondents assert that ''the Department must terminate these investigations (sic), terminate the suspension of liquidation for all entries for which liquidation is currently suspended, and refund any cash deposits that have been paid.''

Further, on September 3, 1999, the Department received a letter from Ferroatlantica de Venezuela (''Ferroven''), a Venezuelan respondent in the antidumping and countervailing duty order proceedings listed above, stating that the Department ''has full authority under the statute to rescind [the above listed orders] *ab initio*.'' Ferroven asserts that pursuant to 19 U.S.C. sections 1671, 1673, an antidumping or countervailing duty order can only stand if the ITC determines that an industry in the United States is materially injured or threatened with material injury. Ferroven states that because the ITC reconsidered, *ab initio*, its original injury determination and found no injury, a mandatory element for an antidumping or countervailing duty order no longer exists. Therefore, Ferroven asserts that because the Department lacks the statutory authority to maintain an antidumping duty order, the Department has no choice but to rescind the outstanding orders, terminate the suspension of liquidation for all entries currently suspended, and refund any cash deposits.

Contrary to petitioners' argument, there is no statutory requirement that the Department conduct a review before acting upon the ITC's negative injury determination. The ITC's action in these cases is unique and there is no statutory provision which explicitly provides for the manner in which the Department should rescind these orders. The ITC's action in these cases is analogous to a negative injury finding in an original investigation under sections 705(b)(1) and 735(b)(1). Once the ITC renders a negative injury finding, the Department has no authority to issue an order and merely performs the ministerial act of terminating the suspension of liquidation pursuant to sections 705(c)(2) and 735(c)(2). The Department's response to the ITC's negative injury redetermination in these cases should be the equivalent of the action the Department would have been required to take had the ITC rendered negative injury determinations in 1993 and 1994.

However, because the ferrosilicon orders were issued in 1993 and 1994, the Department cannot merely terminate the suspension of liquidation as would be the case under sections 705(c)(2) and 735(c)(2) when no order is ever issued. In this instance, therefore, rescission of the ferrosilicon orders from the dates of issuance is the legal equivalent of the action required to be taken by the Department under sections 705(c)(2) and 735(c)(2).

Conducting some sort of review is inappropriate under the circumstances in these cases. There are no issues of law or fact capable of review by the Department, because the Department's action in rescinding the ferrosilicon orders is merely a ministerial function which is the legal consequence of the ITC's redetermination of no material injury or threat thereof.

Rescission of Antidumping Duty and Countervailing Duty Orders and Termination of Administrative Reviews

Sections 705(c)(2), 735(c)(2), 706(a), and 736(a) of the Act require that as a prerequisite for the issuance and enforcement of an antidumping or countervailing duty order, the ITC must determine that an industry in the United States is materially injured or threatened by material injury. On August 24, 1999, the ITC notified the Department that it had reconsidered its original injury determinations in the above listed cases and determined that material injury, or threat of material injury, had never existed. As a necessary element for the imposition and enforcement of antidumping and countervailing duty orders does not exist, the Department has no legal authority to maintain and/or enforce any of the above listed orders.

Consequently, we are now rescinding the above listed antidumping orders concerning ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela. We also are rescinding the countervailing duty order concerning ferrosilicon from Venezuela. Because the ITC's negative injury determinations resulted from a reconsideration of its original injury determinations, these orders are rendered legally invalid from the date of issuance. Accordingly, our rescission of these orders are effective from the date of their original issuance and apply to all unliquidated entries of subject merchandise from the above countries.

Further, we are terminating the above listed administrative reviews of the antidumping duty orders concerning ferrosilicon from Brazil, Venezuela, and PRC. We also are terminating the above listed administrative review of the countervailing duty order concerning ferrosilicon from Venezuela.

Customs Instructions

The Department will issue instructions directly to Customs. The Department will direct Customs to lift

the suspension of all entries of the subject merchandise that are currently suspended pursuant to these orders, and to liquidate, without regard to antidumping or countervailing duties, all unliquidated entries of ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela.

The Department will further instruct Customs to release any bond or other security and refund any cash deposit collected, with interest, if applicable, with respect to all unliquidated entries of ferrosilicon from Brazil, Kazakhstan, PRC, Russia, Ukraine, and Venezuela.

With respect to unliquidated entries of ferrosilicon that are the subject of court-ordered injunctions, the Department continues to be enjoined from ordering the liquidation of these entries until the court disposes of the litigation or dissolves the injunctions.

This notice is in accordance with sections 705(c)(2) and 735(c)(2) of the Act.

Dated: September 15, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–24583 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090799D]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a working meeting which is open to the public.

DATES: The GMT working meeting will begin Monday, October 4, 1999, at noon and may go into the evening until business for the day is completed. The meeting will reconvene from 8 a.m. to 5 p.m., Tuesday, October 5 through Friday, October 8.

ADDRESSES: The meeting will be held at the Pacific Fishery Management Council Conference Room, 2130 SW Fifth Avenue, Suite 224, Portland, OR; telephone: (503) 326-6352.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to develop final recommendations for groundfish harvest levels and management measures for 2000. The GMT will prepare the annual Stock Assessment and Fishery Evaluation document, other reports, and technical advice for the upcoming Council meeting and in support of Council decisions throughout the year. The GMT will discuss, receive reports, and/or prepare reports on the following topics during this working session: (1) default harvest rate policies; (2) rebuilding plans for lingcod, bocaccio, and Pacific ocean perch, including allocation and bycatch reduction; (3) preparation of preliminary 2000 harvest level and management recommendations, including optimum yield/management line issues and identification of rockfish complexes;(4) fishing community baseline document; (5) inseason management; (6) observer program design and documentation needs;(7) survey of trawl gears; and (8) recreational data issues.

Although other issues not contained in this agenda may come before this Team for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: September 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–24484 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

September 14, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryforward and special shift. In addition, the current limit for Category 335 is being corrected to the level of 276,893 dozen.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 59942, published on November 6, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 14, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 3, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 21, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
335	276,893 dozen.
338/339	1,697,310 dozen.

Category	Adjusted twelve-month limit [1]
341	2,549,123 dozen.
352/652	11,719,126 dozen.
638/639	1,741,323 dozen.
641	777,307 dozen.
647/648	1,972,144 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24504 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

September 15, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 68247, published on December 10, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 15, 1999.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 4, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 22, 1999, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
219	69,072,804 square meters.
313	45,118,633 square meters.
317	40,487,582 square meters.
363	51,712,178 numbers.
369–D [2]	1,450,771 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

[2] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–24503 Filed 9–20–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0397]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Requests for Equitable Adjustment

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through November 30, 2000. DoD proposes that OMB approve an extension of the information collection, to expire 3 years after the approval date.

DATES: DoD will consider all comments received by November 22, 1999.

ADDRESSES: Interested parties should submit written comments and recommendations on the proposed information collection to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350.

E-mail comments submitted via the Internet should be addressed to: dfarsacq.osd.mil.

Please cite OMB Control Number 0704–0397 in all correspondence related to this issue. E-mail comments should cite OMB Control Number 0704–0397 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, at (703) 602–0288. This information collection requirement addressed in this notice is available electronically via the Internet at: http://www.acq.osd.mil/dp/dars/dfars.html.

Paper copies are available from Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Contract Modifications-Defense Federal Acquisition Regulation Supplement (DFARS) Part 243 and Associated Clauses at 252.243; OMB Control Number 0704–0397.

Needs and Uses: The information collection required by the clause at DFARS 252.243–7002, Requests for Equitable Adjustment, implements 10 U.S.C. 2410(a). DoD contracting officers and auditors use this information to evaluate contractor requests for equitable adjustment to contract terms.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 2,120.

Number of Respondents: 440.

Responses Per Respondents: 1.

Annual Responses: 440.

Average Burden Per Response: 4.8 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.243–7002, Requests for Equitable Adjustment, requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete. The clause also requires contractors to fully disclose all facts relevant to the requests for adjustment.

Michele P. Peterson,

Executive Editor,

Defense Acquisition Regulations Council.

[FR Doc. 99–24386 Filed 9–20–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting to Discuss Gulf War Illnesses

AGENCY: Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents, Department of Defense.

ACTION: Notice.

SUMMARY: The Board will conduct a public meeting to obtain information from veterans, the Transuranium and Uranium Registries, and outside experts regarding the causes of Gulf War Illnesses. The meeting will begin at 6:00 p.m. PDT.

DATES: October 19, 1999.

ADDRESSES: Letterman Auditorium, Madigan Army Medical Center, 9040 Reid Street, Tacoma, WA 98431 (Ft Lewis Military Reservation).

FOR FURTHER INFORMATION CONTACT: Contact Mr. David Edman, Special Oversight Board, 1401 Wilson Blvd, Suite 401, Arlington, VA 22209, phone (703) 696–9468, fax (703) 696–4062, or via Email at *Gulfsyn@osd.pentagon.mil* Requests to address the Board must be sent in writing to Mr. Edman and be received no later than noon EDT Friday, October 8, 1999. Written comments must be received no later than noon EDT Friday, October 15, 1999. Copies of the draft meeting agenda can be obtained by contacting Ms. Sandra Simpson at (703) 696–9464 or at the above fax number or above email.

SUPPLEMENTARY INFORMATION: Seating in the Letterman Auditorium is limited, and spaces will be reserved only for scheduled speakers. The remaining seats will be available on a first-come, first-served basis beginning at 5:30 p.m. No teleconference lines will be available. The Special Oversight Board expects that public statements presented at its meetings will deal only with potential chemical, environmental, and other exposures. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments will be provided to Board members if at least 10 copies are received in the Special Oversight Board Staff Office no later than noon EDT October 15, 1999. Written comments received after that date will be mailed to Board members after the adjournment of the October 1999 meeting.

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–24478 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Date of Meeting: October 19, 1999 from 0830 to 1645 and October 20, 1999 from 0830 to 1150.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Amy Kelly, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2124.

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 99–24477 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Office of the Secretary proposes to alter an existing system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Section, Directives and Records Branch, Directives and Records Division, Washington Headquarters Services, Correspondence and Directives, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 588–0159.

SUPPLEMENTARY INFORMATION: The complete inventory of Office of the Secretary record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: September 14, 1999.

L.M. BYNUM,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 07

SYSTEM NAME:

Defense Medical Information System (DMIS) *(May 20, 1998, 63 FR 13641).*

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete 'Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete 'CHAMPUS'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Delete paragraph two and replace with 'To permit the disclosure of records to the Department of Health and Human Services (HHS) and its components for the purpose of conducting research and analytical projects, and to facilitate collaborative research activities between DoD and HHS.'

* * * * *

DHA 07

SYSTEM NAME:

Defense Medical Information System (DMIS).

SYSTEM LOCATION:

Primary location: Directorate of Information Management, Building 1422, Fort Detrick, MD 21702–5000 with Region-specific information being kept at each Office of the Assistant Secretary of Defense (Health Affairs) designated regional medical location. A complete listing of all regional addresses may be obtained from the system manager.

Secondary location: Service Medical Treatment Facility Medical Centers and Hospitals, and Uniformed Services Treatment Facilities. For a complete listing of all facility addresses write to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Uniformed services medical beneficiaries enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) who receive medical care at one or more of DoD's medical treatment facilities (MTFs), or one or more of the Uniformed Services Treatment Facilities (USTFs), or who have care provided under the TRICARE programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected data elements extracted from the DEERS beneficiary and enrollment records. Electronic files containing beneficiary identifier, date of birth, gender, sponsor status (active duty or retired), relationship of patient to sponsor, pay grade of sponsor, state or country, zip code, and enrollment and eligibility status.

Individual patient hospital discharge records. Electronic files containing patient ID, date of birth, gender, sponsor status (active duty or retired), relationship to sponsor, pay grade of sponsor, state or country, zip code, health care dates and services, provider, service status, health status, billed amount, allowed amount, amount paid by beneficiary, amount applied to deductible, and amount paid by government.

Selected data elements extracted from the TRICARE, National Mail Order Pharmacy, or other purchased care medical claims records. Electronic files containing patient ID, date of birth, gender, sponsor status (active duty or retired), relationship to sponsor, pay grade of sponsor, state or country, zip code, health care dates and services, provider, service status, health status, billed amount, allowed amount, amount paid by beneficiary, amount applied to deductible, and amount paid by government.

Data elements extracted from the DEERS electronic Non-availability Statement application. Records containing beneficiary ID, date and types of health care services not covered by the issuing entity (MTFs, etc.), along with other demographic and issuing entity information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C., Chapter 55; and E.O. 9397 (SSN).

PURPOSE(S):

DMIS collects data from multiple DoD electronic medical systems and processes and integrates the data in a manner that permits health management policy analysts to study, evaluate, and recommend changes to DoD health care programs. Analysis of beneficiary utilization of military medical and other program resources is possible using DMIS. Statistical and trend analysis permits changes in response to health care demand and treatment patterns. The system permits the projection of future Medical Health Services (MHS) beneficiary population, utilization requirements, and program costs to enable health care management concepts and programs to be responsive and up to date.

The detailed patient level data at the foundation of DMIS permits analysis of virtually any aspect of the military health care system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To permit the disclosure of records to the Department of Health and Human Services (HHS) and its components for the purpose of conducting research and analytical projects, and to facilitate collaborative research activities between DoD and HHS.

To the Congressional Budget Office for projecting costs and workloads associated with DoD Medical benefits.

To the Department of Veterans Affairs (DVA) for coordinating cost sharing activities between the DoD and DVA.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on optical and magnetic media.

RETRIEVABILITY:

Records may be retrieved by individual's Social Security Number, sponsor's Social Security Number, Beneficiary ID (sponsor's ID, patient's name, patient's DOB, and family member prefix or DEERS dependent suffix).

SAFEGUARDS:

Automated records are maintained in controlled areas accessible only to authorized personnel. Entry to these areas is restricted to personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of a cipher lock. Back-up data maintained at each location is stored in a locked room.

Access to DMIS records is restricted to individuals who require the data in the performance of official duties. Access is controlled through use of passwords.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

Requests should contain the full names of the beneficiary and sponsor, sponsor Social Security Number, sponsor service, beneficiary date of birth, beneficiary sex, treatment facility(ies), and fiscal year(s) of interest.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written requests to Corporate Executive Information System Program Office, Six Skyline Place, Suite 809, 5111 Leesburg Pike, Falls Church, VA 22041–3201.

Requests should contain the full names of the beneficiary and sponsor, sponsor Social Security Number, sponsor service, beneficiary date of birth, beneficiary sex, treatment facility(ies) that have provided care, and fiscal year(s) of interest.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual data records that are assembled to form the DMIS data base are submitted by the Military Departments, the Defense Enrollment Eligibility Reporting System, the Uniformed Service Treatment Facility Managed Care System, the Health Care Finance Administration, and the National Mail Order Pharmacy, Defense Supply Center, Philadelphia, PA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24482 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 31, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S337.01 DLA-KS

SYSTEM NAME:

Labor Management Relations Records System *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'S370.10 CAHS'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'DLA or other third party employees and individuals of other Federal agencies who receive personnel support from DLA who are involved in labor grievances, disputes, or complaints which have been referred to an arbitrator for resolution.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'The file contains name, Social Security Number, addresses, phone numbers, background papers, and details pertaining to the case or issue.'

* * * * *

PURPOSE(S):

Delete entry and replace with 'Records are maintained incident to the administration, processing, and resolution of unfair labor complaints. Statistical data, with personal identifiers removed, may be used by management for reporting or policy evaluation purposes.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add a new paragraph 'To arbitrators, examiners, or other third parties appointed to inquire into, review, or negotiate labor-management issues.'

* * * * *

S370.10 CAHS

SYSTEM NAME:

Labor Management Relations Records System.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA or other third party employees and individuals of other Federal agencies who receive personnel support from DLA who are involved in labor grievances, disputes, or complaints which have been referred to an arbitrator for resolution.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains name, Social Security Number, addresses, phone numbers, background papers, and details pertaining to the case or issue.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 71 of Title 5 of the U.S. Code, Labor-Management Relations and E.O. 9397 (SSN).

PURPOSE(S):

Records are maintained incident to the administration, processing, and resolution of unfair labor complaints. Statistical data, with personal identifiers removed, may be used by management for reporting or policy evaluation purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Representatives of the U.S. Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of Civilian Personnel Management Programs.

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor-Management Relations Program.

To the Federal Labor Relations Authority to respond to inquiries from that office regarding complaints referred to or filed with that office.

To arbitrators, examiners, or other third parties appointed to inquire into, review, or negotiate labor-management issues.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Records are retrieved by case subject, case numbers, and/or individual employee names and Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Human Resources Office, Headquarters, Defense Logistics Agency, ATTN: CAHS, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and the Human Resources Offices of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Servicing Civilian Personnel Officers, arbitrator's office, the Federal Labor Relations Authority, and union officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24479 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base *(June 1, 1999, 64 FR 29285).*

CHANGES:

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Under paragraph '1. To the Department of Veteran Affairs (DVA)',

add a new paragraph as follows 'e. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).'

* * * * *

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up location: Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Air Force and Marine Corps officer and enlisted personnel who served on active duty from July 1, 1968, and after or who have been a member of a reserve component since July 1975; retired Army, Navy, Air Force, and Marine Corps officer and enlisted personnel; active and retired Coast Guard personnel; active and retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; participants in Project 100,000 and Project Transition, and the evaluation control groups for these programs. All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later.

DoD civilian employees since January 1, 1972.

All veterans who have used the GI Bill education and training employment services office since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute and all individuals who ever participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969.

Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services National Longitudinal Survey.

Individuals responding to recruiting advertisements since January 1987; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Department of Veteran Affairs; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors; survivors of retired Coast Guard personnel; and survivors of retired officers of the National Oceanic and Atmospheric Administration who are eligible for or are currently receiving Federal payments due to the death of the retiree.

Individuals receiving disability compensation from the Department of Veteran Affairs or who are covered by a Department of Veteran Affairs' insurance or benefit program; dependents of active duty military retirees, selective service registrants.

Individuals receiving a security background investigation as identified in the Defense Central Index of Investigation. Former military and civilian personnel who are employed by DoD contractors and are subject to the provisions of 10 U.S.C. 2397.

All Federal Civil Service employees.

All non-appropriated funded individuals who are employed by the Department of Defense.

Individuals who were or may have been the subject of tests involving chemical or biological human-subject testing; and individuals who have inquired or provided information to the Department of Defense concerning such testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized personnel/employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; civilian and military acquisition work force warrant location, training and job specialty information; military personnel information such as rank, assignment/deployment, length of service, military occupation, aptitude scores, post-service education, training, and employment information for veterans; participation in various inservice education and training programs; military hospitalization and medical treatment, immunization, and pharmaceutical dosage records; home and work addresses; and identities of individuals involved in incidents of child and spouse abuse, and information about the nature of the abuse and services provided.

CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax identification number of providers or potential providers of care.

Selective Service System registration data.

Department of Veteran Affairs disability payment records.

Credit or financial data as required for security background investigations.

Criminal history information on individuals who subsequently enter the military.

Office of Personnel Management (OPM) Central Personnel Data File (CPDF), an extract from OPM/GOVT–1, General Personnel Records, containing employment/personnel data on all Federal employees consisting of name, Social Security Number, date of birth, sex, work schedule (full-time, part-time, intermittent), annual salary rate (but not actual earnings), occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier. Extract from OPM/CENTRAL–1, Civil Service Retirement and Insurance Records, including postal workers covered by Civil Service Retirement, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching.

Non-appropriated fund employment/personnel records consist of Social Security Number, name, and work address.

Military drug test records containing the Social Security Number, date of specimen collection, date test results reported, reason for test, test results, base/area code, unit, service, status (active/reserve), and location code of testing laboratory.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. App. 3 (Pub.L. 95–452, as amended (Inspector General Act of 1978)); 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).

PURPOSE(S):

The purpose of the system of records is to provide a single central facility

within the Department of Defense to assess manpower trends, support personnel and readiness functions, to perform longitudinal statistical analyses, identify current and former DoD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs, to register current and former DoD civilian and military personnel and their authorized dependents for purposes of obtaining medical examination, treatment or other benefits to which they are qualified, and to collect debts owed to the United States Government and state and local governments.

Information will be used by agency officials and employees, or authorized contractors, and other DoD Components in the preparation of the histories of human chemical or biological testing or exposure; to conduct scientific studies or medical follow-up programs; to respond to Congressional and Executive branch inquiries; and to provide data or documentation relevant to the testing or exposure of individuals

All records in this record system are subject to use in authorized computer matching programs within the Department of Defense and with other Federal agencies or non-Federal agencies as regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

Military drug test records will be maintained and used to conduct longitudinal, statistical, and analytical studies and computing demographic reports on military personnel. No personal identifiers will be included in the demographic data reports. All requests for Service-specific drug testing demographic data will be approved by the Service designated drug testing program office. All requests for DoD-wide drug testing demographic data will be approved by the DoD Coordinator for Drug Enforcement Policy and Support, 1510 Defense Pentagon, Washington, DC 20301–1510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the Department of Veteran Affairs (DVA):

a. To provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans benefits, validating benefit eligibility and maintaining the health and well being of veterans and their family members.

b. To provide identifying military personnel data to the DVA and its insurance program contractor for the purpose of notifying separating eligible Reservists of their right to apply for Veteran's Group Life Insurance coverage under the Veterans Benefits Improvement Act of 1996 (38 U.S.C. 1968).

c. To register eligible veterans and their dependents for DVA programs.

d. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

(1) Providing full identification of active duty military personnel, including full-time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program. The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment (38 U.S.C. 5304(c)).

(2) Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 1606 – Selected Reserve and Title 38 U.S.C., Chapter 30 – Active Duty). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

(3) Providing identification of reserve duty, including full-time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 12316) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

(4) Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law requires recoupment of severance payments before DVA disability compensation can be paid (10 U.S.C. 1174).

(5) Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 5106). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

e. To provide identifying military personnel data to the DVA for the purpose of notifying such personnel of information relating to educational assistance as required by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 3011 and 3034).

2. To the Office of Personnel Management (OPM):

a. Consisting of personnel/employment/financial data for the purpose of carrying out OPM's management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub.L. 83–598, 84–356, 86–724, 94–455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

b. To conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

(1) Exchanging personnel and financial information on certain military retirees, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military retired pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

(2) Exchanging personnel and financial data on civil service annuitants (including disability annuitants under age 60) who are reemployed by DoD to insure that annuities of DoD reemployed annuitants are terminated where applicable, and salaries are correctly offset where applicable as required by law (5 U.S.C. 8331, 8344, 8401 and 8468).

(3) Exchanging personnel and financial data to identify individuals who are improperly receiving military retired pay and credit for military service in their civil service annuities, or annuities based on the 'guaranteed minimum' disability formula. The match will identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) 5 U.S.C. 8331 and the Federal Employees'

Retirement System Act (FERSA) 5 U.S.C. 8411. DoD's legal authority for monitoring retired pay is 10 U.S.C. 1401.

(4) Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so that a choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Services.

3. To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of DoD personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to lifestream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non-compliance and delinquent filers.

4. To the Department of Health and Human Services (DHHS):

a. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DoD employees and military members who may be improperly receiving funds under the Aid to Families of Dependent Children Program.

b. To the Office of Child Support Enforcement, Federal Parent Locator Service, DHHS, pursuant to 42 U.S.C. 653 and 653a; to assist in locating individuals for the purpose of establishing parentage; establishing, setting the amount of, modifying, or enforcing child support obligations; or enforcing child custody or visitation orders; and for conducting computer matching as authorized by E.O. 12953 to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired). Identifying delinquent obligors will allow State Child Support Enforcement agencies to commence wage withholding or other enforcement actions against the obligors.

NOTE 1: Information requested by DHHS is not disclosed when it would contravene U.S. national policy or security interests (42 U.S.C. 653(e)).

NOTE 2: Quarterly wage information is not disclosed for those individuals performing intelligence or counter-intelligence functions and a determination is made that disclosure could endanger the safety of the individual or compromise an ongoing investigation or intelligence mission (42 U.S.C. 653(n)).

c. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns or residents are counted for HCFA reimbursement to hospitals.

d. To the Center for Disease Control and the National Institutes of Mental Health, DHHS, for the purpose of conducting studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members.

5. To the Social Security Administration (SSA):

a. To the Office of Research and Statistics for the purpose of conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings.

b. To the Bureau of Supplemental Security Income to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of verifying information provided to the SSA by applicants and recipients who are retired military members or their survivors for Supplemental Security Income (SSI) benefits. By law (42 U.S.C. 1383) the SSA is required to verify eligibility factors and other relevant information provided by the SSI applicant from independent or collateral sources and obtain additional information as necessary before making SSI determinations of eligibility, payment amounts or adjustments thereto.

6. To the Selective Service System (SSS) for the purpose of facilitating compliance of members and former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

7. To DoD Civilian Contractors and grantees for the purpose of performing research on manpower problems for statistical analyses.

8. To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DoD civilian employees and military members by the states. To the Department of Labor to survey military separations to determine the effectiveness of programs assisting veterans to obtain employment.

9. To the U.S. Coast Guard (USCG) of the Department of Transportation (DOT) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of exchanging personnel and financial information on certain retired USCG military members, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the U.S. Coast Guard and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

10. To the Department of Housing and Urban Development (HUD) to provide data contained in this record system that includes the name, Social Security Number, salary and retirement pay for the purpose of verifying continuing eligibility in HUD's assisted housing programs maintained by the Public Housing Authorities (PHAs) and subsidized multi-family project owners or management agents. Data furnished will be reviewed by HUD or the PHAs with the technical assistance from the HUD Office of the Inspector General (OIG) to determine whether the income reported by tenants to the PHA or subsidized multi-family project owner or management agent is correct and complies with HUD and PHA requirements.

11. To Federal and Quasi-Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. To assist in the return of unclaimed property or assets escheated to states of civilian employees and military member and to provide members and former members with information and assistance regarding various benefit entitlements, such as state bonuses for veterans, etc. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and

abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub.L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements.

12. To private consumer reporting agencies to comply with the requirements to update security clearance investigations of DoD personnel.

13. To consumer reporting agencies to obtain current addresses of separated military personnel to notify them of potential benefits eligibility.

14. To Defense contractors to monitor the employment of former DoD employees and members subject to the provisions of 41 U.S.C. 423.

15. To financial depository institutions to assist in locating individuals with dormant accounts in danger of reverting to state ownership by escheatment for accounts of DoD civilian employees and military members.

16. To any Federal, state or local agency to conduct authorized computer matching programs regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a) for the purposes of identifying and locating delinquent debtors for collection of a claim owed the Department of Defense or the Unites States Government under the Debt Collection Act of 1982 (Pub.L. 97–365) and the Debt Collection Improvement Act of 1996 (Pub.L. 104–134).

17. To state and local law enforcement investigative agencies to obtain criminal history information for the purpose of evaluating military service performance and security clearance procedures (10 U.S.C. 2358).

18. To the United States Postal Service to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

a. Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and who cannot be released for extended active duty in the event of mobilization. The Postal Service is informed of the reserve status of those affected personnel so that a choice of terminating the position on the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Forces.

b. Exchanging personnel and financial information on certain military retirees who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of retired military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and permit adjustments to military retired pay to be made by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

19. To the Armed Forces Retirement Home (AFRH), which includes the United States Soldier's and Airmen's Home (USSAH) and the United States Naval Home (USNH) for the purpose of verifying Federal payment information (military retired or retainer pay, civil service annuity, and compensation from the Department of Veterans Affairs) currently provided by the residents for computation of their monthly fee and to identify any unreported benefit payments as required by the Armed Forces Retirement Home Act of 1991, Pub.L. 101-510 (24 U.S.C. 414).

20. To Federal and Quasi-Federal agencies, territorial, state and local governments, and contractors and grantees for the purpose of supporting research studies concerned with the health and well being of active duty, reserve, and retired personnel or veterans, to include family members. DMDC will disclose information from this system of records for research purposes when DMDC:

a. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

21. To the Educational Testing Service, American College Testing, and like organizations for purposes of obtaining testing, academic, socioeconomic, and related demographic data so that analytical personnel studies of the Department of Defense civilian and military workforce can be conducted.

NOTE 3: Data obtained from such organizations and used by DoD does not contain any information which identifies the individual about whom the data pertains.

The 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices apply to this record system.

NOTE 4: Military drug test information involving individuals participating in a drug abuse rehabilitation program shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DLA's 'Blanket Routine Uses' *do not* apply to these types records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

Access to personal information at both locations is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

The military services, the Department of Veteran Affairs, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, Federal and Quasi-Federal agencies, and the Selective Service System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24480 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

In addition, the system identifier for the system of records 'S200.20 DLA-M' is being changed to 'S200.20 CAH'.

DATES: This action will be effective without further notice on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The system identifier for the system of records 'S200.20 DLA-M' is being changed to 'S200.20 CAH'.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 1, 1999, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S600.10 DLA-W

SYSTEM NAME:

Hazardous Materials Occupational Exposure History Files *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Delete 'DLA-W' and replace with 'CAAE'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Individuals working in or visiting storage areas containing hazardous materials and individuals who have submitted dosimeter applications.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'File contains name, Social Security Number, badge readings, individual or area exposure monitoring results and medical data.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 7902, Safety Programs; 29 U.S.C. Chapter 15, Occupational Safety and Health; 42 U.S.C. 2201(o), Reports; and E.O. 9397 (SSN).'

PURPOSE(S):

Delete entry and replace with 'To record and maintain data on hazardous materials exposure levels and medical status following annual medical examinations and to comply with reporting requirements.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add the following paragraph 'To academic institutions and nongovernment agencies for the purpose of monitoring/evaluating exposures to hazardous materials.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete first sentence and replace with 'Staff Director, Environment and Safety Policy, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and safety and health offices at the DLA PLFAs.'

* * * * *

S600.10 CAAE

SYSTEM NAME:

Hazardous Materials Occupational Exposure History Files.

SYSTEM LOCATION:

Records are maintained at the Defense Supply Center Philadelphia; the Defense Distribution Center; and the Defense National Stockpile Center. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

In addition, records are maintained at the Defense Logistics Support

Command, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and the following Defense National Stockpile Center field locations:

Binghamton Depot, Hoyt Avenue, Binghamton, NY 13901–1699;

Sommerville Depot, 152 U.S. Highway 206 South, Sommerville, NJ 08876–4135;

Curtis Bay Depot, 710 Ordnance Road, Baltimore, MD 21226–1786;

Scotia Depot, Scotia, NY 12302–7463;

Point Pleasant Depot, 2601 Madison Avenue, Point Pleasant, WV 25550–1603;

Hammond Depot, 3200 Sheffield Avenue, Hammond, IN 46327–5000;

Casad Depot, New Haven, IN 46774–9644;

Warren Depot, Pine Street Extension, Warren, OH 44482–9999;

Gadsden Depot, 400 Raines Avenue, Gadsden, AL 35902–5000;

Baton Rouge Depot, 2695 N. Sherwood Forest Drive, Baton Rouge, LA 70814–5397; and

Clearfield Federal Depot, Clearfield, UT 84016–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals working in or visiting storage areas containing hazardous materials and individuals who have submitted dosimeter applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, badge readings, individual or area exposure monitoring results and medical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902, Safety Programs; 29 U.S.C. Chapter 15, Occupational Safety and Health; 42 U.S.C. 2201(o), Reports; and E.O. 9397 (SSN).

PURPOSE(S):

To record and maintain data on hazardous materials exposure levels and medical status following annual medical examinations and to comply with reporting requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U. S. Public Health Service for the purpose of conducting medical examinations and evaluations of DLA employees.

To the regulatory agencies which regulate the handling of hazardous materials for reporting purposes.

To academic institutions and nongovernment agencies for the purpose of monitoring/evaluating exposures to hazardous materials.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Retrieved alphabetically by individual's name and Social Security Number.

SAFEGUARDS:

Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 75 years after birth date of employee, 60 years after date of the earliest document in the file if the date of birth cannot be ascertained, or 30 years after latest separation, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Environment and Safety Policy, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and safety and health offices at the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from film badges, dosimeters, other instrumentation, work logs, and medical examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24481 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend records systems.

SUMMARY: The Defense Logistics Agency proposes to amend two systems of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective on October 21, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency proposes to amend two systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not

within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems report. The record system being amended is set forth below, as amended, published in its entirety.

Dated: September 15, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S690.10 DLA-W

SYSTEM NAME:

Individual Vehicle Operators File *(February 22, 1993, 58 FR 10854).*

CHANGES:

SYSTEM IDENTIFIER:

Replace 'DLA-W' with 'DLSC'.

* * * * *

SYSTEM LOCATION:

Replace first sentence and with 'Commanders of the Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.).'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'File contains name, Social Security Number, date of birth, State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his/her state license or identification card within the past five years and any motor vehicle accidents within the past five years, training and performance record, and other related papers.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '40 U.S.C. 471, Federal Property and Administrative Services Act of 1949; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by name or Social Security Number.'

SAFEGUARDS:

Delete entry and replace with 'Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.'

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Record subject, court records, supervisors notes and comments and related documents.'

* * * * *

S690.10 DLSC

SYSTEM NAME:

Individual Vehicle Operators File.

SYSTEM LOCATION:

Commanders of the Defense Logistics Agency (DLA) Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons for whom Defense Logistics Agency has issued permits to operate motor vehicles or equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, date of birth, State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his/her state license or identification card within the past five years and any motor vehicle accidents within the past five years, training and performance record, and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, Federal Property and Administrative Services Act of 1949; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).

PURPOSE(S):

Records are maintained and used by DLA officials to determine an individual's qualifications and fitness to operate government vehicles and/or equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after the individual's termination or transfer or after cancellation of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders of Defense Logistics Agency PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2553, Fort Belvoir, VA 22060-6221 or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject, court records, supervisors notes and comments and related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files *(June 4, 1993, 58 FR 31697).*

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Current civilian employees, military personnel, and a select number of former employees of the DLA activity where records are maintained.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add after the words 'next-of-kin name' add 'address'.

* * * * *

PURPOSE(S):

Delete first paragraph and replace with 'To notify DLA personnel of the arrival of visitors, to plan social and honorary recognition functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by name, Social Security Number, organization, or grade/rank.'

SAFEGUARDS:

Delete entry and replace with 'Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorize users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are destroyed upon termination/departure of DLA personnel or when no longer needed for notification of official or social Agency functions.'

* * * * *

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current civilian employees, military personnel, and a select number of former employees of the DLA activity where records are maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, Social Security Number, organizational assignment, home address and telephone number, grade/rank, position title and job series, and spouse or next-of-kin name, address, and telephone numbers.

Security offices and police force records may also contain emergency medical and disability data, including information on special equipment or devices the individual requires, name and telephone number of medical practitioner, and medical alert data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. Chapter 31 (Personnel); and E.O. 9397 (SSN).

PURPOSE(S):

To notify DLA personnel of the arrival of visitors, to plan social and honorary recognition functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.

Medical and disability data is used by security and police officers to identify and locate individuals during medical emergencies, facility evacuations, and similar threat situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Security and police officers may relay medical and disability data to emergency medical treatment personnel, local fire fighters, and similar groups responding to calls for emergency assistance.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Retrieved by name, Social Security Number, organization, or grade/rank.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorize users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed upon termination/departure of DLA personnel

or when no longer needed for notification of official or social Agency functions.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–24529 Filed 9–20–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 22, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 15, 1999.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Special Education Expenditure Project.

Frequency: On occasion.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 24,474.—Burden Hours: 12,391.

Abstract: This package is to request clearance for The Special Education Expenditures Project (SEEP). The purpose of the study is to provide information about resource allocation to special education programs. The study will provide information on how resources are allocated among various special education programs, and how the use of resources varies across states, schools and districts (e.g., by school poverty levels and size of allocation). The study will report total expenditures on special education, average per pupil expenditures for special education programs and services, patterns of resource allocation, and patterns of services to different categories of students. Respondents will include state, district, and school staff including teachers and instructional aides.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *OCIO__IMG__Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Sheila Carey at 202–708–6287 or electronically mail her at internet address sheila__carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24505 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 21, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs,

Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 15, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Annual Report on Appeals Process.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 81.

Burden Hours: 162.

Abstract: Form RSA–722 is needed to meet specific data collection requirements in Subsections 102c (8)(A) and (B) of the Rehabilitation Act of 1973, as amended on the number of requests for mediation, hearings and reviews filed. The information collected is used to evaluate the types of complaints made by applicants for and eligible individuals of the vocational rehabilitation program and the final resolution of appeals filed. Respondents are State agencies that administer the Federal/State Program for Vocational Rehabilitation.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *OCIO__IMG__Issues@ed.gov* or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Sheila Carey at 202–708–6287 or by e-mail at internet address sheila__carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–24506 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.103A]

Office of Postsecondary Education, Department of Education Notice Inviting Applications for the Training Program for Federal TRIO Programs (Training Program) New Awards for Fiscal Year (FY) 2000

Purpose of Program: The purpose of the Training Program is to provide grants to train staff and leadership personnel employed in, or preparing for employment in, projects funded under the Federal TRIO Programs to improve the operation of those programs and projects.

Eligible Applicants: Institutions of higher education; and public and nonprofit private agencies and organizations. We suggest that applicants read the ''Dear Applicant letter'' and this notice before completing the Training Program application.

Deadline for Intergovernmental Review: February 8, 2000

Deadline for Transmittal of Applications: December 10, 1999

Applications Available: October 28, 1999

Available Funds: $6,000,000. The estimated amount of funds available for new awards is based on the Administration's request for this program for FY 2000. The actual level of funding, if any, is contingent on final congressional action.

Estimated Range of Awards: $170,000—$290,000.

Estimated Average Size of the Awards: $250,000.

Estimated Number of Awards: 26.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Page Limit: An applicant uses the application narrative (Part III), to address the application selection criteria. This narrative section (Part III) may not exceed 50 pages, using the following standards:

(1) A ''page'' is 8.5″ × 11″, on one side only with 1″ margins at the top, bottom, and both sides.

(2) You must double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as text in charts, tables, figures, and graphs.

If you use a proportional computer font, you may not use a font smaller than a 12-point font or an average character density greater than 18 characters per inch. If you use a nonproportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to or include Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; and the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III. If you use print size, spacing, or margins smaller than the standards specified in this notice, your application will not be reviewed for funding.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

SUPPLEMENTARY INFORMATION: *Priorities:* Under Title IV, Part A, Subpart 2, Chapter I, Section 402G of the Higher Education Act of 1965, as amended, and 34 CFR 75.105(c)(2) and 642.34(a), the Secretary gives competitive preference (8 ⅓ points) to applications that address one of the following priorities:

(1) General project management for new directors.

(2) Legislative and regulatory requirements for the operation of the Federal TRIO Programs.

(3) Student financial aid.

(4) The design and operation of model TRIO projects.

(5) Use of educational technology.

(6) Retention and graduation strategies.

(7) Counseling.

(8) Reporting student and project performance.

(9) Coordinating project activities with other available resources and activities.

An applicant can submit only one application per priority.

FOR FURTHER INFORMATION CONTACT: Patricia S. Lucas, Training Program for Federal TRIO Programs, U.S. Department of Education, Office of Federal TRIO Programs, 400 Maryland Avenue, SW, Suite 600–D, Portals Building, Washingtion, DC 20202–5249. Telephone: (202) 708–4804. The e-mail address for Ms. Lucas is: patricia__lucas@ed.gov Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. Individuals who use a telecommunictations device for the deaf (TDD) may call (toll free): 1–877–576–7734. You may also contact ED Pubs via its Web site at: http://www.ed.gov/pubs/edpubs.html or at its e-mail address: edpubs@inet.ed.gov

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA 84.103A.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: http://ocfo.ed.gov/fedreg.htm http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 1070d–1d.

Dated: September 16, 1999.

Claudio R. Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 99–24567 Filed 9–20–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, October 7, 1999 6:00 p.m.–9:30 p.m.

ADDRESSES: College Hill Library, (Front Range Community College), 3705 West 112th Avenue, Westminster, CO 80021.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation by the Health Advisory Panel on its final report
2. Review and approve Board's year 2000 work plan and budget
3. Review and approve the Board's Vision document
4. Other Board business may be conducted as necessary

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9:00 a.m. to 4:00 p.m. Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on September 16, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–24549 Filed 9–20–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP97–315–000, CP97–315–001, CP97–320–000, CP97–321–000, CP97–319–000, CP98–540–000]

Independence Pipeline Company; ANR Pipeline Company; Transcontinental Gas Pipe Line Corporation; Notice of Public Conference

September 15, 1999.

Take notice that the Federal Energy Regulatory Commission will convene a public conference on September 29, 1999, in the above-captioned proceedings.

In these proceedings, Independence Pipeline Company, ANR Pipeline Company, and Transcontinental Gas Pipe Line Corporation have filed applications with the Commission to construct and operate extensive pipeline facilities. These applications, in turn, have sparked significant interest from the public and energy industry.

In light of the recent high level of interest in these proposals, the Commission will convene a conference in the above-captioned proceedings, to

allow the record to be supplemented to address the market need for the proposed project. The purpose of the conference is to provide an opportunity for parties to provide new information, not to restate positions or information already in the record. In addition, the Commission is particularly interested in hearing from elected officials concerning their analysis and views of the project.

The conference will be held in the offices of the Federal Energy Regulatory Commission, in the Commission Meeting Room, 888 First Street, N.E., Washington, DC 20426, starting at 1:00 p.m.

Any party wishing to participate in the conference should submit a written request to the Secretary of the Commission by September 21, 1999. The request should indicate the scope of the participants' planned remarks. Because of time constraints, parties with common interests are encouraged to designate a single speaker to represent their views. The Commission will review the requests and the requesters, and will select the participants in the conference based on the number of requests to speak and the issues to be addressed. Speakers that have audio/visual requirements should contact Wanda Washington at (202) 208–1460.

Any written comments may be filed within 15 days after the conference.

The Capital Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home, or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at (703) 993–3100 or visit the web site (www.capitolconnection.gmu.edu). The Capitol Connection also offers FERC Open meetings through its Washington, D.C. area telephone service.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone without special equipment. Billing is based on time on-line. Call (202) 966–2211. Anyone interested in purchasing videotapes of the meeting should also call VISCOM at (703) 715–7999.

All questions concerning the format of this conference should be directed to: Joel Arneson, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–2169.

By direction of the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–24553 Filed 9–20–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL98–1–001]

Public Access to Information and Electronic Filing; Staff Notice of Pilot Project for Electronic Filing

September 15, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of pilot project for electronic filing of documents.

SUMMARY: The Federal Energy Regulatory Commission (Commission) notifies interested persons that, beginning on October 1, 1999, the Commission will conduct a Pilot Project that will allow selected participants in Commission proceedings to submit to the pilot specified categories of documents electronically. This pilot is intended to test the Commission's systems for receiving electronic filings in preparation for implementing electronic filing as the principal means of filing documents in its proceedings.

FOR FURTHER INFORMATION CONTACT:

Brooks Carter, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42–29, Washington, DC 20426, (202) 501–8145, FAX: (202) 208–2425, E-Mail: brooks.carter@ferc.fed.us

Wilbur Miller, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Room 91–17, Washington, DC 20426, (202) 208–0953, FAX: (202) 208–0056, E–Mail: wilbur.miller@ferc.fed.us

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.fed.us*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE, Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994. CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208–2222 (E-Mail to *WebMaster@ferc.fed.us*) or the Public Reference Room at (202) 208–1371 (E–Mail to *public.referenceroom@ferc.fed.us*).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

Take notice that Commission Staff is seeking volunteers to participate in a Pilot Project for electronic filing of documents in Commission proceedings over the Internet. This Pilot Project will commence on October 1, 1999, and will continue until further notice by the Commission. Because this is a test of the electronic system, participants in the pilot will still be required to comply with existing filing requirements, by filing paper copies of documents in accordance with the Commission's existing regulations.

This pilot is part of the Commission Staff's effort to implement electronic filing. Eventually, Staff expects to recommend that the Commission require that all filings by regulated entities be made in electronic form, with limited exceptions. Participants in this pilot will have the opportunity not only to assist the Commission in making its determination on electronic filing, but to familiarize themselves with the process at an early stage of development. At the outset of the pilot only a few participants may be selected, but Commission Staff anticipates that the number of testers will be increased incrementally as more experience is gained with electronic filing. Staff will be particularly interested in working

with participants that anticipate filing, during the course of the pilot, documents of the types that will be accepted for the pilot.

The pilot will test a prototype for electronic filing over the Internet limited to motions and notices to intervene, protests, comments and related filings. The attachment describes the pilot and contains a general description of the requirements and specifications for electronic submissions during the pilot. The Commission Staff is not testing electronic filings made on diskette, CD–ROM, or other media as part of this pilot, although ultimately some filings may be made using these media.

The Commission Staff encourages those interested in participating in the pilot to contact: Brooks Carter, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE, Room 42–29, Washington, DC 20426, (202) 501–8145, FAX: (202) 208–2425, E-Mail: brooks.carter@ferc.fed.us.

Please include the name, mailing address, telephone number, and E-Mail address of the company contact. It would also be helpful if interested parties would be prepared to give Staff some indication of whether they anticipate filing documents of the types that will be accepted for the pilot. A link on the Commission's Website for the Electronic Filing Initiative provides information about the pilot (*http://www.ferc.fed.us/efi/efi.htm*). Questions may also be addressed to Brooks Carter.

Linwood A. Watson, Jr.,

Acting Secretary.

Attachment—Summary of Staff Pilot Project for Electronic Filing

I. Initial Approach

Initially, a limited group of voluntary participants will take part in testing the electronic filing prototype. This group will be incrementally enlarged during the pilot to ensure that as many volunteers as possible get the opportunity to participate and that all functional components of the system are adequately tested. The initial group of participants will include those that anticipate making several filings of the types being accepted for purposes of the pilot during the early stages of the pilot.

Coordination with Commission Staff will be essential. During the pilot, participants will work closely with Staff in testing specific aspects of the prototype and the initial filing profile, and will provide technical feedback.

II. Scope

The following categories of documents, and no others, may be submitted in connection with the Pilot Project (all citations are to 18 CFR):

1. Motions to Intervene and Notices to Intervene pursuant to § 385.214.
2. Protests pursuant to § 385.211, and protests and responses pursuant to § 343.3.
3. Comments on any pleading listed in 1. or 2. other than (a) those in proceedings set for hearing under Subpart E of the regulations and (b) settlement comments.
4. Comments filed in rulemaking proceedings and in connection with Environmental Impact Statements on Environmental Assessments.
5. Answers to, withdrawals of, and amendments to pleadings and rulemaking comments listed in 1., 2., or 4., filed pursuant to § 385.213, 385.215 and 385.216, other than those in proceedings set for hearing under Subpart E of the regulations.

III. Existing Filing Requirements

Existing filing requirements will not be waived, suspended or modified for purposes of this Pilot Project. Thus, participants, filing electronic copies of documents must also file paper copies in accordance with the Commission's existing filing requirements. The paper copy will serve as the official copy in accordance with existing regulations during the pilot. Questions of timeliness will be determined according to the paper submission.

IV. Technical Requirements

The following sections describe in general terms the technical requirements and operations of the pilot. Commission Staff will provide detailed instructions to participants.

A. Filing Format

During the pilot, the participants may submit electronic documents in the following formats:

1. Microsoft Word: Versions from 2.x for Windows to MS Office 97. The file name extension must be ''.doc.''
2. Corel WordPerfect: Versions 4.2 through 8.0. The file name extension must be ''.wpd.''
3. Adobe Acrobat Portable Document Format (PDF): All versions. The file name extension must be ''.pdf.''
4. Rich Text Format. The file name extension must be ''.rtf.''
5. ASCII. The file name extension must be ''.txt.''

Participants may submit files with long file names.

As the Commission Staff expands its electronic filing initiative, it will add other formats (*e.g.*, spreadsheets, graphics) to accommodate specific requirements.

B. Method of Submission

The following steps generally outline the method of submission that participants will be required to follow during the pilot:

1. The participant will access the Commission's web site and follow the instructions for submitting an electronic document.
2. Upon submission of the document, the Commission's computer system will immediately generate a web-based response confirming successful transmission. The Commission's computer system will shortly thereafter send an E-Mail message confirming receipt and containing an accession number for the document's image.
3. The E-Mail that the Commission's computer system sends will also contain an Internet link, so the participant can view the document's electronic image, which the Commission's system will have generated. The participant will be able to view the Commission-generated electronic image of the submitted document, thus allowing the participant to compare the image's content and appearance with the original document sent.
4. The participant will make a paper copy of the document (either from the participant's electronic version or from the document's Commission-generated electronic image). The participant will also print out a copy of the confirmation received from the Commission's computer system (which will include the accession number), and place the confirmation on top of the original paper version of the document. The participant will then submit the original with the confirmation and the prescribed number of paper copies of the document in accordance with the Commission's existing regulations. *The paper copy and not the electronic version governs issues of timeliness.*
5. The Commission will make available on its web site, through RIMS, both the electronic version of the document in its native format and the Commission's electronic image of the paper copy. Users of the Commission's web site will be able to download the native format version or, if they have the appropriate viewer, to view it on screen.

C. Formatting of Documents To Permit Accurate Citation

Paragraph numbering is not necessary for documents filed in PDF format. For documents filed in other formats (WordPerfect, MS Word, RTF and ASCII), accurate citation may be difficult unless documents contain paragraph numbers. The Commission Staff thus encourages participants filing documents in those formats to include paragraph numbers. During the pilot, paragraph numbering will not be required and documents that do not contain it will not be rejected solely for that reason.

For purposes of this pilot, participants choosing to include paragraph numbering should number every paragraph of the document consecutively. Participants can use any format for paragraph numbering, but they are encouraged to use the format [¶number] and place the number at the left margin to each paragraph, as follows: [¶1] [Paragraph text beginning here.].

Participants can use either the automatic paragraph numbering features of the application (such as Word ™ or WordPerfect ™) or can use ASCII characters for numbering.

Commission Staff will create an electronic image of the submitted electronic file, as long as the file format used is one of those stated above as acceptable. At this time, RIMS is not able to convert non-PDF file formats to PDF.

D. Authentication and Verification

Participants in the Pilot Project will establish a User ID and Password to authenticate an electronic submission. Each

person submitting an electronic filing must establish his/her own ID and Password.

E. Document Content Standards

The Commission Staff will place some limitations on the content of electronic documents submitted as part of the pilot. Such documents will have to meet at least the following criteria:

1. Documents must be submitted as a single file, which is neither zipped nor compressed.
2. Documents must be submitted in connection with a proceeding that has a single Docket Number, or is the lead docket in a consolidated case.
3. The file size must be less than five megabytes.
4. Documents must not contain auto-text (such as ''date'') or macros that may change the document in any way after submission.
5. Documents must not contain hyperlinks to external documents, except to the Commission's CIPS and RIMS systems as long as the text also contains a regular, full citation to the referenced document.
6. All documents submitted electronically in connection with the pilot will be public. Non-public or proprietary documents and data may not be submitted electronically as part of the pilot.

All participants should note that the above technical requirements are subject to change. The Commission Staff will post any updates to the requirements for the pilot on the Website and encourages participants to check regularly for possible changes.

F. Additional Contacts

Help lines (202–208–0258, 202–208–2222 and 202–208–1371) for technical assistance or questions about the pilot program are staffed during the Commission's official business hours (8:30 a.m. to 5:00 p.m. Eastern time). Users needing help or information also are encouraged to send an E-Mail to efiling@ferc.fed.us.

V. Paperwork Reduction Act

No person shall be subject to any penalty for failing to comply with this collection of information if the collection of information does not display a valid control number. 44 U.S.C. 3512.

[FR Doc. 99–24488 Filed 9–20–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6442–3]

Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee; Notice of Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of meetings.

SUMMARY: Under section 10(a)(2) of Public Law 920423, ''The Federal Advisory Committee Act,'' notice is hereby given of a series of meetings of the Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*). All meetings are scheduled from 9:00 a.m. to 5:00 p.m. eastern time, and will be held at RESOLVE, Inc., 1255 23rd Street, NW, Suite 275 Washington, DC 20037. The meetings are open to the public.

The meetings are scheduled for: September 22–23, to discuss ICR Occurrence Data, provide overview of drinking water treatment technologies, and review and provide guidance on the Technical Working Group's priorities; October 27–28, to discuss 12 month ICR data, distribution systems, and an update on microbial and DBP health risks; December 8–9, to discuss Stage 1 baseline, continue discussion on microbial and DBP health risks, and begin discussion of rule options; January 12–13, to discuss post Stage 1 baseline, rule options, and continue discussion of microbial and DBP health risks.

Statements from the public will be taken if time permits.

For more information, please contact Martha M. Kucera, Designated Federal Officer, Microbial Disinfectants/ Disinfection Byproducts Advisory Committee, U.S. EPA, Office of Ground Water and Drinking Water, Mailcode 4607, 401 M Street, SW, Washington, DC 20460. The telephone number is 202–260–7773 or E-mail kucera.martha@epamail.epa.gov.

Dated: September 17, 1999.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 99–24674 Filed 9–20–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

September 15, 1999.

Deletion of Agenda Items From September 15th Meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the September 15, 1999, Open Meeting and previously listed in the Commission's Notice of September 8, 1999. Items 2 and 3 have been adopted by the Commission.

Item No.	Bureau	Subject
2	International	Title: Direct Access to the INTELSAT System (IB Docket No. 98–192, File No. 60–SAT–ISP–97). Summary: The Commission will consider a Report and Order concerning direct access to the INTELSAT system.
3	International	Title: Lockheed Martin Corporation Regulus, LLC and Comsat Corporation; Application for Transfer of Control of COMSAT Government Systems, Inc., Holder of an International Section 214 Authorization and Earth Station Licenses E960186 and E960187 (File Nos. SE5–T/C/–19981016–01388(2)ITC–T/C–19981016–00715); and Lockheed Martin Corporation/Regulus, LLC; and Application for authority to Purchase and Hold Shares of Stock in COMSAT Corporation (File No. SAT–ISP–19981016–00072). Summary: The Commission will consider a Memorandum, Order and Authorization concerning applications for transfer of control of a subsidiary of Comsat Corporation to Lockheed Martin Corporation and for authority for Lockheed Martin Corporation to acquire up to 49 percent of Comsat's stock.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–24712 Filed 9–17–99; 3:48 pm]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the application for grants under the Hazard Mitigation Grant Program.

SUPPLEMENTARY INFORMATION: The Hazard Mitigation Grant Program (HGMP) was created with the passage of the Stafford Act in November 1988. The Program, authorized by Section 404 of the Act, provides States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards.

In December 1993 the President signed the Hazard Mitigation and Relocation Assistance Act that amended Section 404. This amendment increased the Federal cost share of the HMGP to a maximum 75 percent, and the amount of funds available to 15 percent of all other disaster grants. The amendment also imposed new implementing requirements on acquisition and relocation projects funded under the Program. FEMA published an interim rule in the **Federal Register** on May 11, 1994, amending the original program regulations published in May 1989, to implement the changes.

The statutory changes combined with the Administration's National Performance Review initiative provided an opportunity for FEMA to evaluate the overall program and make improvements. The 1993 increase in program funding significantly heightened public interest in the Program and have served to underscore the need to clarify Program eligibility, simplify program administration, and expedite grant award and implementation.

The changes are only a first step in the ongoing process to enhance the program. FEMA is working with its customers to improve training and guidance to accompany the regulations. Successful implementation of the changes requires clear guidance for both FEMA staff and State grantees.

Collection of Information

Title: Hazard Mitigation Grant Program Application.

Type of Information Collection: Reinstatement of a previously approved collection.

OMB Number: 3067–0207.

Form Numbers. SF–424—Application for Federal Assistance; FEMA Forms 20–16, 20–16a, 20–16b, 20–16c & SF–LLL—Summary Sheet for Assurances and Certifications and Lobbying Disclosure; FEMA Form 20–10—Financial Status Report; 20–15—Budget Information (Construction Programs); FEMA Form 20–20—Budget Information (Nonconstruction Programs); and FEMA Form 20–17—Outlay Report and Request for Reimbursement for Construction Programs.

Abstract. HMGP Application Package. Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes FEMA to provide financial assistance to communities and States to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards. Grantees will no longer be asked to create distinctive application forms for the program in their State. This change is intended to make HMGP procedures more consistent with OMB guidance and requirements, particularly OMB Circular A–102 (revised October 7, 1994).

The application package consists of the SF–424 facesheet; the budget form; project narrative with detailed descriptions; and assurances and certifications. Applications with detailed descriptions include the following:

(1) SF–424, Application for Federal Assistance (facesheet). This is a standard form used by applicants to accompany applications for Federal assistance. It provides the agency summary information about applicant organization and the type of assistance requested. Local governments may use the SF–424 to provide pertinent applicant profile information with their application. States may submit amendments to their original application by submitting an additional SF–424 that requests a revision to the original (block 8).

(2) Budget form. This is a standardized form which applicants submit with the application detailing the proposed budget for the grant. For construction projects, applicants complete FEMA Form 20–15. For nonconstruction projects, applicants complete FEMA Form 20–20. FEMA will use this information to determine if the requested funding is reasonable and to perform a benefit-cost analysis on the proposed project (construction projects only)

(3) Project Narrative. The narrative statement, more commonly referred to as the project application, identifies the proposed measure to be funded and provides information supporting the projects eligibility. The narrative contains the following twelve essential elements: (a) General Project Information: Indicate the FEMA disaster declaration number, the date the application was submitted to the State, and the title of the project. Applicant should note whether the application provides additional information requested from the State or FEMA. (b) Name of Subgrantee: Indicate whether the applicant is a town, county, or city; State agency, eligible private non-profit organization or institution; or Indian tribe. (c) State and Local contact: Identify the name, agency, address, and phone number of a contract person. If there is an alternate contact, include information for that person as well. (d) Location of the Project: Describe the project location by street, address, road intersections, geographic landmarks, legal description, or other methods, if appropriate. Maps or drawings or the area should be provided indicating the project location. If the project is located within an identified flood hazard area, the National Flood Insurance Program map should be attached with the project location identified. It is also important to note whether the project is located inside or outside of the disaster area. (e) Description of the Project: To assist State and local officials in reviewing and prioritizing project applications, the applicant should include as much detail as possible. This may include: Description of problem the proposed project is intended to solve; primary objectives of the project; appropriate maps and diagrams; description of the damage caused by the current disaster or previous disasters, and/or the potential for future damage based on the area's exposure to hazards; how the project is intended to reduce hazard effects and risks; the number of people and/or the amount of property that will be protected with the proposed project; and description of how the proposed

project meets or exceeds minimum project criteria.

The emphasis of the description will vary depending on whether the applicant is seeking a grant for construction or nonconstruction projects. Because the criteria for HMGP grants are very specific, the narrative for construction grants will be more extensive than those for nonconstruction. For example, narratives for a construction project will not only describe the proposed approach, but also other approaches considered to meet the objective. Also, construction projects are more likely to have a potential effect on the environment, so the narrative for project construction grants will include a detailed description of the surrounding environment. FEMA will use the environmental information to meet its requirements under the National Environmental Policy Act.

(f) Cost-estimate for the Project: Applicant should be accurate as possible in computing project costs. Total estimate project costs should be indicated. A breakdown should also be provided that includes the following categories: Federal share (HGMP funds); other Federal funding (Community Development Block Grant); State share; Applicant share; and other non-Federal share. If appropriate, costs for the following services should also be included: project management; comprehensive study; engineering and design; site acquisition; construction; labor; equipment; staffing; transportation; and materials/supplies. (g) Analysis of cost-effectiveness and substantial risk reduction: applicant should explain how the cost of the project compares with the anticipated value of future damage reduction. This will help document that the benefits are greater than the costs. Other factors that should be addressed in analyzing the cost-effectiveness of a project include: the cost and useful life of the project; frequency of the disaster event; an estimate of the dollar amount of damage that would be prevented as a direct result of the proposed project; and an estimate of the subsequent negative impacts to the area if the measure were not implemented. The cost-effective analysis should include a narrative statement, describing the costs and expected damages, and a numerical analysis, justifying the findings. (h) Work Schedule: A work schedule should be provided that details, at a minimum, the start date, completion date, and project milestones, including dates for submittal or quarterly progress reports. If the project is detailed, it may be helpful to separate the activities into phases and perhaps tasks within those phases. If deliverables are required, deadlines for submission should be included. A maintenance schedule should also be submitted indicating the maintenance activities that will need to be performed by the applicant for the life of the project. (i) Justification for Selection: Applicant should discuss why the project is required and how the project will solve the problem. This may involve a discussion of the other alternatives examined and the reason this specific approach was chosen. If the project is a recommendation from a post-disaster team report or state hazard mitigation plan, it may be appropriate to include supporting data from either the report or the plan. (j) Alternatives Considered: A discussion of the alternatives examined in selecting this project should be included. The narrative should address the reason(s) why they were determined not to be the most appropriate option. Issues such as effectiveness, cost, and affect on the environment should be examined. (k) Environmental Information: HGMP projects must comply with appropriate environmental requirements. FEMA is ultimately responsible for preparing an environmental document describing the potential environmental impacts on all potential projects, although FEMA and the state may rely on the applicant to provide much of this information. The applicant is responsible for meeting all State and local environmental requirements and initiating the application process for environmental permits or approvals, as necessary. (l) Project Compliance Assurances: These are standardized forms that are completed by the State. FEMA Form 20–16 summarizes all assurances and certifications that the State must sign in order to receive grant assistance. FEMA Form 20–16a is a list of assurances that the State must provide in order to receive assistance for nonconstruction programs. FEMA Form 20–16b is a list of assurances that the State must provide in order to receive assistance for construction programs. FEMA Form 20–16c lists three certifications that the State must make in order to receive Federal assistance: Lobbying; debarment, suspension, and other responsibility matters; and drug free workplace requirements. The SF–LLL is a standard form disclosing lobbying activity on the part of grant recipients. These assurances are an integral element of the grant agreement between FEMA and the State, ensuring compliance with all applicable Federal statutes, executive orders, and regulations.

Affected Public: State, Local or Tribal government, and not for profit institutions.

Estimated Total Annual Burden Hours: 20,263.

FEMA forms	No. of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
SF–424	25	[1] 46	.75	862.50
Narrative	25	46	15	17,250
Assurances and Certifications	25	46	2.2	2,530
Total	25	46	[2] 18	[2] 20,643

[1] Average based on number of declared disasters per yr.
[2] Rounded.

Estimated Cost. Estimated cost of the collection of information to the Federal government is $200,000.

Comments

Written comments are solicited to:

(a) Evaluate whether the proposed data collections and reporting requirements are necessary for the proper performance of FEMA's functions and program activities, including whether the data have practical utility;

(b) evaluate the accuracy of the agency's estimate of the burden of the proposed data collections and reporting requirements;

(c) determine the estimated cost of the proposed data collections and reporting requirements to the respondents;

(d) enhance the quality, utility, and clarity of the information to be collected; and,

(e) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625, FAX number (202) 646–3524, or email address: muriel.anderson@fema.gov.

FOR FURTHER INFORMATION CONTACT: Contact Catherine Young, Mitigation Directorate at (202) 646–4541 for additional information. Contact Ms. Anderson at (202) 646–2625 for copies of the proposed collection of information.

Dated: August 25, 1999.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 99–24563 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1291–DR]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1291–DR), dated September 9, 1999, and related determinations.

EFFECTIVE DATE: September 11, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 11, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24557 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3141–EM]

North Carolina; Amendment No. 2 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of North Carolina (FEMA–3141–EM), dated September 1, 1999, and related determinations.

EFFECTIVE DATE: September 11, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 11, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–24558 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1290–DR]

Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA–1290–DR), dated September 6, 1999, and related determinations.

EFFECTIVE DATE: September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 13, 1999.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Laurence W. Zensinger,

Division Director, Response and Recovery Directorate.

[FR Doc. 99–24556 Filed 9–20–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY:

Background: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB

inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on an information collection proposal.

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. ways to enhance the quality, utility, and clarity of the information to be collected; and

d. ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

In addition, the Federal Reserve invites comments on whether it would be more efficient to collect the proposed information on the commercial bank Consolidated Reports of Condition and Income (FFIEC 031-034).

DATES: Comments must be submitted on or before [insert date 60 days from publication in the Federal Register].

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. West, Chief, Financial Reports Section (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

1. Report title: The Bank Holding Company Report of Subsidiary Banks' Section 23A Transactions with Affiliates.

Agency form number: FR Y-8.

OMB control number: 7100-0126.

Frequency: Quarterly.

Reporters: Bank holding companies.

Annual reporting hours: 73,282.

Estimated average hours per response: 3.6.

Number of respondents: 5089. Small businesses are not affected.

General description of report: This information collection is authorized by section 5 (c) of the Bank Holding Company Act (12 U.S.C. 1844 (c)) and section 225.5 (b) of Regulation Y (12 CFR 225.5 (b)) and is given confidential treatment pursuant to the Freedom of Information Act (5 U.S.C. 552 (b) (4) and (8)).

Abstract: The FR Y-8 collects information on the movement of funds between a domestic bank holding company and its subsidiaries in order to identify broad categories of intercompany transactions and balances that may affect the financial condition of the subsidiary bank. The report also collects information on income recognized by subsidiary banks from other bank holding company members as well as information on credit extended by subsidiary banks to other bank holding company members. Domestic top-tier bank holding companies with assets of $300 million or more are required to file the FRY-8 on a semiannual basis (June and December). Also, interim reporting is currently required within ten calendar days of certain large asset transfers. The Federal Reserve proposes to delete the current information on the FRY-8 and collect only four items of information on Section 23A covered transactions.

Current actions: The Federal Reserve proposes to completely revise the FR Y-8 to collect information to enhance the Federal Reserve's ability to monitor bank exposures to affiliates and to ensure compliance with Section 23A of the Federal Reserve Act. The revisions would include renaming the report, changing all of the reportable items and revising the reporting panel and reporting frequency. The report would be retitled, ''The Bank Holding Company Report of Subsidiary Banks' Section 23A Transactions with Affiliates.'' Domestic financial top-tier bank holding companies would be required to file the report quarterly, providing the requested information on an individual bank-basis for each of their subsidiary banks. For purposes of the FR Y-8, banks are defined as insured depository institutions. The interim report would be eliminated.

Section 23A of the Federal Reserve Act is one of the most important statutes protecting the federal safety net by limiting exposure of insured depository institutions to affiliates, defined as organizations under common control with the insured depository institution. Section 23A contains restrictions to safeguard the resources of insured depository institutions against misuse for the benefit of affiliates, including the following:

(1) The statute limits ''covered transactions'' with any single affiliate to no more than 10 percent of the depository institution's capital stock and surplus, and limits aggregate covered transactions with all affiliates to no more than 20 percent of the depository institution's capital stock and surplus. Covered transactions are specifically described in Section 23A and include extensions of credit to an affiliate, the purchase of securities issued by an affiliate, the purchase of assets from an affiliate, the acceptance of securities issued by an affiliate as collateral for any loan, and the issuance of a guarantee or letter of credit on behalf of an affiliate.

(2) The statute requires that all transactions between an insured depository institution and its affiliates

be on terms and conditions consistent with safe and sound banking practices.

(3) The statute prohibits an insured depository institution from purchasing ''low-quality'' assets from affiliates. A ''low-quality'' asset is defined in the statute as an asset that falls in any one or more of the following categories: (a) an asset classified as ''substandard,'' ''doubtful,'' or ''loss'' or treated as ''other loans especially mentioned'' in the most recent report of examination or inspection of an affiliate prepared by either a Federal or State supervisory agency; (b) an asset in a nonaccrual status; (c) an asset on which principal or interest payments are more than thirty days past due; or (d) an asset whose terms has been renegotiated or compromised due to the deteriorating financial condition of the obligor.

(4) The statute imposes collateral requirements when an insured depository institution is lending to an affiliate or is issuing a guarantee, acceptance, or letter of credit on behalf of an affiliate. The collateral requirements, which vary based on the type of collateral, are designed to reduce risk related to these exposures.

As the activities of nonbank subsidiaries of bank holding companies have expanded, and as regulatory restrictions have been reduced or eliminated to lessen the burden on the industry, the importance of the limits imposed by Section 23A has increased. Yet, at present, there is no uniform or regular reporting of bank transactions subject to Section 23A. The current bank holding company FR Y-8 report collects data on intercompany transactions on a combined, aggregate basis for all subsidiary banks of a bank holding company at the bank holding company level; hence, Section 23A transactions cannot be identified from data submitted in the current report. Additionally, while this information may be reviewed in examinations, data on covered transactions are not always contained in examination reports, or if contained in the reports, the data are not presented in comparable detail or a uniform format. Moreover, examinations for most insured depository institutions occur infrequently, whereas compliance with Section 23A is required continuously.

In order to identify and monitor for each individual institution, potential Section 23A compliance issues, and to identify and monitor industry-wide levels of activity and the effect on insured depository institution risk exposure, the Federal Reserve proposes to revise the FR Y-8 report to collect for each insured subsidiary only four items:

(1) For covered transactions subject to Section 23A's collateral requirements, (a) the outstanding amount of such transactions as of the report date and (b) the maximum amount of such transactions during the calendar quarter ending with the report date.

(2) For covered transactions not subject to the collateral requirements, (a) the outstanding amount of such transactions as of the report date and (b) the maximum amount of such transactions during the calendar quarter ending with the report date.

Transactions exempt from the quantitative limits of the statute such as extensions of credit fully secured by the U.S. Government securities or transactions with affiliated insured depository institutions known as sister banks would be excluded from the report.

The proposed revised report distinguishes between covered transactions that are subject to collateral requirements and those that are not in order to distinguish, with the fewest possible report items, between the various types of covered transactions that, collectively, represent extensions of credit, and those that do not (e.g., purchases of assets). The information requested should be available and not significantly burdensome to report because insured depository institutions already should, on an ongoing basis, be continually monitoring their Section 23A covered transaction exposures to ensure compliance with the statute on an ongoing basis. Also, bank holding companies currently required to file the FR Y-8 must currently obtain thirty items of data for each individual subsidiary bank in order to provide aggregate data on the thirty items requested on the existing report. The reduction in burden associated with reducing the number of items reported on the current semiannual report from thirty items to four items and discontinuing the FR Y-8 interim report, comprising twenty items of aggregated data compiled from data from each insured subsidiary bank, should offset any burden associated with the report.

The proposed revised report would become effective with the June 30, 2000, reporting date.

Board of Governors of the Federal Reserve System, September 15, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–24545 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY

Background: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Chief, Financial Reports Section--Mary M. West--Division of Research and Statistics,Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829); OMB Desk Officer--Alexander T. Hunt--Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860).

Final approval under OMB delegated authority of the extension for three years, with revisions, of the following reports:

1. Report title: Applications for Subscription to, Adjustment in Holding of, and Cancellation of Federal Reserve Bank Stock.

Agency form numbers: FR 2030, 2030a, 2056, 2086, 2086a, 2086b, and 2087.

OMB control number: 7100-0042.

Effective date: September 30, 1999.

Frequency: On occasion.

Reporters: National, State Member, and Nonmember Banks.

Annual reporting hours: 952 (FR 2030: 47; FR 2030a: 13; FR 2056: 860; FR 2086: 1; FR 2086a: 30; FR 2087: 1).

Estimated average hours per response: 0.5 (for each form).

Number of respondents: 1,901 (FR 2030: 93; FR 2030a: 26; FR 2056: 1,719; FR 2086: 2; FR 2086a: 60; FR 2087: 1).

Small businesses are affected.

General description of report: This information collection is mandatory [12 U.S.C. §§ 222, 248, 282, 287, 288, and 321 and 12 C.F.R. §§ 209.1, 209.3, 209.5(b), 209.7, and 209.8]. Upon request from an applicant, certain information may be given confidential treatment pursuant to the Freedom of Information Act [5 U.S.C. §§ 552(b)(4) and (6)].

Abstract: These applications must be submitted to Federal Reserve Banks by organizing and existing member commercial banks requesting the issuance, adjustment, or cancellation of Federal Reserve Bank stock. National banks, chartered by the Comptroller of the Currency, are required to become members of the Federal Reserve System. State-chartered commercial banks may elect to become members if they meet the requirements established by the Board of Governors of the Federal Reserve System. When a bank receives approval for membership in the Federal Reserve System, the bank agrees to certain conditions of membership which are contained in an approval letter sent to the bank by the Federal Reserve Bank in the District where the bank is located. In addition to the conditions of membership, the bank also is advised by the Reserve Bank that it must subscribe to the capital stock of the Federal Reserve Bank of its District in an amount equal to 6 percent of the bank's paid-up capital and surplus, including reserve for dividends payable in common stock, pursuant to Section 5 of the Federal Reserve Act and Regulation I. However, the bank is required to make payment for only 50 percent of the subscription, which is recorded as paid-in capital on the Reserve Bank's balance sheet. The remaining 50 percent is subject to call by the Board of Governors of the Federal Reserve System. On December 31, 1998, there were 3,401 Federal Reserve member banks, and their consolidated paid-in capital at the twelve Federal Reserve Banks was $5.6 billion.

These applications are necessary in order to obtain account data on the bank's capital and surplus and to document its request to increase or decrease its holdings of Federal Reserve Bank stock. Another purpose of the applications is to verify that a request has been duly authorized and to prevent unauthorized requests for issuance or cancellation of Federal Reserve Bank stock.

Current Actions The most significant changes are (1) revising the items included in the capital stock and surplus section on the FR 2056, (2) combining the FR 2086a and FR 2086b, and (3) adding an optional field to each of the applications for the institution's ABA number. On the FR 2056, the capital and surplus will be reported as shown on the institution's most recent Report of Condition (instead of on the date of the application). Also, the capital stock section will include common stock, preferred stock (including sinking fund preferred stock), and paid-in surplus less the aggregate of retained earnings, gains(losses) on securities available-for-sale, and foreign currency translation gains or losses, if such aggregate is a deficit. Finally, information on ''reserve for dividends payable in common stock'' will be deleted.

The FR 2086a will be used for all member banks converting or merging into nonmember banks. This application will now include national banks converting into nonmember banks and therefore the FR 2086b application will be eliminated.

The Certificate of Issuance of Federal Reserve Bank Stock will be eliminated from the FR 2030, FR 2030a, and FR 2056 applications and the Certificate of Cancellation of Federal Reserve Bank stock will be eliminated from the FR 2056, FR 2086, FR 2086a, and FR 2087 applications. Also, minor clarifications will be made to all of the applications to improve consistency and make filing of the applications more expeditious and user-friendly.

2. Report title: Applications for Membership in the Federal Reserve System.

Agency form numbers: FR 2083, 2083A-2083E.

OMB control number: 7100-0046.

Effective date: September 30, 1999.

Frequency: On occasion.

Reporters: Commercial banks and certain mutual savings banks.

Annual reporting hours: 2,805 burden hours.

Estimated average hours per response: 35.5 hours.

Number of respondents: 79. Small businesses are affected.

General description of report: This information collection is required [12 U.S.C. §§ 321, 322 and 333]. The information in the application is not confidential; however, parts may be given confidential treatment at the applicant's request [5 U.S.C. § 552(b)(4)].

Abstract: The application for membership is a required one-time submission, pursuant to Section 9 of the Federal Reserve Act, that collects the information necessary for the Federal Reserve Board to evaluate the statutory criteria for admission of a new or existing bank to membership in the Federal Reserve System. This application provides managerial, financial, and structural data.

Current Actions: The Federal Reserve will be (1) revising the application to conform with changes to Regulation H, (2) combining the FR 2083B, C, and D, which are filed by mutual savings banks, into one application and (3) replacing Section IV of the application with a reference to the Interagency Biographical and Financial Report (FR 2081c; OMB No. 7100-0134).

With respect to the Regulation H changes, the instructions will be revised as follows: the ''Preparation of Application'' section will be updated regarding examination and Reserve Bank consultation and would define those institutions that qualify for expedited treatment and the ''Public Notification'' section will be eliminated. On the FR 2083E, which will be renamed the FR 2083C, references to capital stock will be revised to capital stock and surplus. Capital stock and surplus includes Tier 1 and Tier 2 capital, as calculated under the risk-based capital guidelines, plus any allowance for loan and lease losses not already included in Tier 2 capital.

The FR 2083B, C, and D will be combined in an effort to streamline the applications and Section IV will be replaced with FR 2081c for consistency purposes. Also, the Federal Reserve will incorporate several formatting changes to all of the applications to improve consistency and clarify the information to be reported.

Board of Governors of the Federal Reserve System, September 15, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–24544 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the

Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 15, 1999.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. South Central Bancshares of Kentucky, Inc., Horse Cave, Kentucky; to acquire 82.27 percent of the voting shares of First Deposit Bancshares, Inc., Tompkinsville, Kentucky, and thereby indirectly acquire Deposit Bank of Monroe County, Inc., Tompkinsville, Kentucky.

In connection with this application, Applicant also has applied to acquire South Central Bank, FSB, Edmonton, Kentucky, and thereby engage in operating a federal savings bank, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Exchange Bancshares of Moore, Inc., Moore, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Exchange National Bank of Moore, Moore, Oklahoma.

Board of Governors of the Federal Reserve System, September 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24543 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 5, 1999.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Boston Private Financial Holdings, Inc., Boston, Massachusetts; to acquire RINET Company, Inc., Boston, Massachusetts, and thereby indirectly acquire Cornerstone Fund Advisors, Inc., Boston, Massachusetts, and thereby engage in providing tax-planning and preparation services, business valuation and liquidation strategies, and asset allocation, estate planning, charitable planning, investment consulting, general financial planning, and other investment advisory services, pursuant to § 225.28(b)(6) of Regulation Y; in trust management services, pursuant to § 225.28(b)(5) of Regulation Y; in private placement services, pursuant to § 225.28(b)(7)(iii) of Regulation Y; in employee benefits consulting, pursuant to § 225.28(b)(9)(ii) of Regulation Y; in providing administrative services to closed-end investment funds, pursuant to Board Order, *see Dresdner Bank AG*, 82 Fed. Res. Bull. 676 (1996); and in serving as the general partner of private investment funds, pursuant to Board Order, *see Dresdner Bank AG* 84 Fed. Res. Bull. 361 (1998).

B. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Cera Holding, C.V., Brussels, Belgium; Almanij N.V. (Algemene Maatschappij Voor Nijverheidskrediet), Antwerp, Belgium; KBC Bank & Insurance Holding Company, N.V., Brussels, Belgium; and KBC Bank N.V., Brussels, Belgium; to acquire D.E. Shaw & Company, New York, New York, through KBC Financial Products USA, Inc., New York, New York, and thereby engage in financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y; in agency transactional services for customer investments, including securities brokerage, riskless principal transactions, private placement services, and other transactional services, pursuant to §§ 225.28(b)(7)(i), (ii), (iii) and (v) of Regulation Y, respectively; and in investment transactions as principal, including underwriting and dealing in government obligations and money market instruments, and investing and trading activities, pursuant to §§ 225.28(b)(8)(i) and (ii) of Regulation Y, respectively. These activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, September 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–24542 Filed 9–20–99; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Responsibilities of Awardees and Applicant Institutions for Reporting Possible Misconduct in Science (42 CFR part 50 and PHS 6349)—0937–0198—Revision—As required by Section 493 of the Public Health Service Act, the Secretary by regulation shall require that applicant and awardee institutions receiving PHS funds must investigate and report instances of alleged or apparent misconduct in science. *Respondents:* State or local governments; Businesses or other for-profit; Non-profit institutions—Reporting Burden Information—*Number of Respondents:* 3550; *Number of Annual Responses:* 3,663; *Average Burden per Response:* .497 hours; *Total*

Reporting Burden: 1822 hours—Disclosure Burden Information—*Number of Respondents:* 3550; *Number of Annual Responses:* 3,610; *Average Burden per Response:* .5 hours; *Total Disclosure Burden:* 1,805 hours—Recordkeeping Burden Information—*Number of Respondents:* 40; *Number of Annual Responses:* 160; *Average Burden per Response:* 6.175 hours; *Total Recordkeeping Burden:* 988 hours—Total Burden—4,615 hours. OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue S.W., Washington DC, 20201. Written comments should be received within 30 days of this notice.

Dated: September 7, 1999.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 99–24550 Filed 9–20–99; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–40]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Coal Mine Dust Personal Sampling Systems—(0920–0148)—Extension—National Institute for Occupational Safety and Health (NIOSH)—Under the Federal Coal Mine Health & Safety Act of 1977, PL91–173 (amended the Federal Coal Mine & Safety Act of 1969), mine operators must periodically sample mine atmospheres and submit the samples to the Mine Safety and Health Administration (MSHA). The Act states that sampling equipment used must be approved by the Secretaries of the Department of Health and Human Services (DHHS) and the Department of Labor (DOL). Concurrent permissibility approval for electrical intrinsic safety is provided by MSHA while NIOSH certifies the performance under Title 30 CFR Part 74. Under this regulation, certification applicants are required to submit detailed parts lists, drawings, and inspection instructions, along with the personal sampler unit to be tested. These materials are provided to NIOSH along with a letter from the applicant requesting certification. After NIOSH has tested the unit and certifies the performance of the equipment, a certificate of approval is issued to the manufacturer. Should the equipment be disapproved, a letter is sent to the manufacturer outlining the details of the defects resulting in disapproval, with suggestions for possible corrections to the unit. Certificates of approval are accompanied by photographs of designs for approval labels to be affixed to each coal mine dust personal sampler unit. Use of the approval label is authorized only on sampler units which conform strictly with the drawings and specifications upon which the certificate of approval is based. Changes or modifications in the unit after certification will result in the manufacturer requesting extensions of approval through the original certification process.

The information is used by NIOSH to fulfill its legislatively-mandated responsibilities to evaluate and approve coal mine dust personal sampler units (CMDPSU) submitted for certification and approval actions (30 U.S.C. 957 and 961). Before NIOSH grants a certification, it must have sufficient evidence of safety and adequate performance. The parts listing, engineering drawings, and inspection instructions submitted are used by NIOSH to assure that descriptions of tested units are fully detailed and that future units produced are equivalent to those currently certified. Without the information specified in 30 CFR Part 74, NIOSH will be unable to adequately evaluate CMDPSU safety and efficacy, and to determine if functional changes were made in the manufacture of certified products. The total cost to respondents is estimated at $2,200.

Data Collection

Respondents	No. of respondents	No. of responses/respondent	Avg. burden of response (in hrs.)	Total burden (in hrs.)
Manufacturer	1	1	44	44
Total				44

Dated: September 15, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24531 Filed 9–20–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Diseases Transmitted Through the Food Supply

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of annual update of list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted.

SUMMARY: Section 103(d) of the Americans with Disabilities Act of 1990, Public Law 101–336, requires the Secretary to publish a list of infectious and communicable diseases that are transmitted through handling the food supply and to review and update the list annually. The Centers for Disease Control and Prevention (CDC) published a final list on August 16, 1991 (56 FR 40897) and updates on September 8, 1992 (57 FR 40917); January 13, 1994 (59 FR 1949); August 15, 1996 (61 FR 42426); and September 22, 1997 (62 FR 49518); and September 15, 1998 (63 FR 49359). No new information that would warrant additional changes has been received; therefore the list, as set forth in the last update and below, remains unchanged.

EFFECTIVE DATE: September 21, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Arthur P. Liang, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop G–24, Atlanta, Georgia 30333, telephone (404) 639–2213.

SUPPLEMENTARY INFORMATION: Section 103(d) of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12113(d), requires the Secretary of Health and Human Services to:

1. Review all infectious and communicable diseases which may be transmitted through handling the food supply;
2. Publish a list of infectious and communicable diseases which are transmitted through handling the food supply;
3. Publish the methods by which such diseases are transmitted; and,
4. Widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Additionally, the list is to be updated annually.

Since the last publication of the list on September 15, 1998 (63 FR 49359), CDC has received no information to indicate that additional unlisted diseases are transmitted through handling the food supply. Therefore, the list set forth below is unchanged from the list published in the **Federal Register** on September 15, 1998.

I. Pathogens Often Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Modes of Transmission of Such Pathogens

The contamination of raw ingredients from infected food-producing animals and cross-contamination during processing are more prevalent causes of foodborne disease than is contamination of foods by persons with infectious or contagious diseases. However, some pathogens are frequently transmitted by food contaminated by infected persons. The presence of any one of the following signs or symptoms in persons who handle food may indicate infection by a pathogen that could be transmitted to others through handling the food supply: diarrhea, vomiting, open skin sores, boils, fever, dark urine, or jaundice. The failure of food-handlers to wash hands (in situations such as after using the toilet, handling raw meat, cleaning spills, or carrying garbage, for example), wear clean gloves, or use clean utensils is responsible for the foodborne transmission of these pathogens. Non-foodborne routes of transmission, such as from one person to another, are also major contributors in the spread of these pathogens. Pathogens that can cause diseases after an infected person handles food are the following:

Caliciviruses (Norwalk and Norwalk-like viruses)
Hepatitis A virus
Salmonella typhi
Shigella species
Staphylococcus aureus
Streptococcus pyogenes

II. Pathogens Occasionally Transmitted by Food Contaminated by Infected Persons Who Handle Food, but Usually Transmitted by Contamination at the Source or in Food Processing or by Non-Foodborne Routes

Other pathogens are occasionally transmitted by infected persons who handle food, but usually cause disease when food is intrinsically contaminated or cross-contaminated during processing or preparation. Bacterial pathogens in this category often require a period of temperature abuse to permit their multiplication to an infectious dose before they will cause disease in consumers.

Preventing food contact by persons who have an acute diarrheal illness will decrease the risk of transmitting the following pathogens:

Campylobacter jejuni
Cryptosporidium parvum
Entamoeba histolytica
Enterohemorrhagic Escherichia coli
Enterotoxigenic Escherichia coli
Giardia lamblia
Nontyphoidal Salmonella
Rotavirus
Taenia solium
Vibrio cholerae 01
Yersinia enterocolitica

References

1. World Health Organization. Health surveillance and management procedures for food-handling personnel: report of a WHO consultation. World Health Organization technical report series; 785. Geneva: World Health Organization, 1989.
2. Frank JF, Barnhart HM. Food and dairy sanitation. In: Last JM, ed. Maxcy-Rosenau public health and preventive medicine, 12th edition. New York Appleton-Century-Crofts, 1986:765–806.
3. Bennett JV, Holmberg SD, Rogers MF, Solomon SL. Infectious and parasitic diseases. In: Amler RW, Dull HB, eds. Closing the gap: the burden of unnecessary illness. New York: Oxford University Press, 1987:102–114.
4. Centers for Disease Control and Prevention. Locally acquired neurocysticercosis—North Carolina, Massachusetts, and South Carolina, 1989–1991. MMWR 1992; 41:1–4.
5. Centers for Disease Control and Prevention. Foodborne Outbreak of Cryptosporidiosis-Spokane, Washington, 1997. MMWR 1998; 47:27.

Dated: September 15, 1999.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–24530 Filed 9–20–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0670]

Agency Information Collection Activities; Announcement of OMB Approval; Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 8, 1999 (64 FR 36885), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0185. The approval expires on September 30, 2002. A copy of the supporting statement for this information collection is available on the Internet at ''http://www.fda.gov/ohrms/dockets''.

Dated: September 14, 1999

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99–24465 Filed 9–20–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0021]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension Title of Information Collection: Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; Form No.: HCFA–R–0021 (OMB# 0938–0287); *Use:* Overpayments may occur in either the Medicare and Medicaid program, at times resulting in a situation where an institution or person that provides services owes a repayment to one program while still receiving reimbursement from the other. Certain Medicaid providers which are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the State Medicaid Agency unable to recover the amounts due. These information collection requirements give HCFA the authority to recover Medicaid overpayments by offsetting payments due to a provider under the program; *Frequency:* On occasion; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 54; *Total Annual Responses:* 27; *Total Annual Hours:* 81.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 9, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–24492 Filed 9–20–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: August 1999

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions

During the month of August 1999, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
ABRAHAM, JOSEPH MICHAEL	09/20/1999

Subject, city, state	Effective date
EL PASO, TX	
AJURIA, GILBERTO ..... MONTGOMERY, AL	09/20/1999
AKOP, WILLIAM ..... GLENDALE, CA	09/20/1999
BALLESTEROS, JOSE SAYSON ..... LA MIRADA, CA	09/20/1999
BELMONTE, DEREK EDMUND FT WORTH, TX	09/20/1999
BLOMQUIST, SCOTT P ..... PORT CHARLOTTE, FL	09/20/1999
CAMPAGNA, C THOMAS ..... WILBAHAM, MA	09/20/1999
CAMPAGNA, PAUL ..... SOMERS, CT	09/20/1999
CARMONA, VICTOR ..... ASHLAND, KY	09/20/1999
CHANG, GUILLERMO ..... FLUSHING, NY	09/20/1999
CHARLES, SHERYL Y ..... DENVER, CO	09/20/1999
CHAUDHARI, KIRIT ..... PLAINSBORO, NJ	09/20/1999
COCIOBA, SERBAN I ..... ASTORIA, NY	09/20/1999
DALEY, AMELIA V ..... RENO, NV	09/20/1999
DI, MEALA ..... NORWALK, CA	09/20/1999
DI, MAP ..... LONG BEACH, CA	09/20/1999
DIAS, ALBERT ..... LUDLOW, MA	09/20/1999
DICKERSON, TAMMY C ..... PENDLETON, OR	09/20/1999
DURAN, SANDRA ..... MIAMI, FL	09/20/1999
DURAN, DIONISIO ..... MIAMI, FL	09/20/1999
ECHEVARRIA, REINA ..... COLEMAN, FL	09/20/1999
EYE WAREHOUSE, LTD ..... VOORHEES, NJ	09/20/1999
FERNANDEZ, ANTONIO ..... MIAMI, FL	09/20/1999
FIORDALIS, CHARLES JOHN MILAN, MI	09/20/1999
FRAGA, BARBARA ..... MIAMI, FL	09/20/1999
FRENCH, DAVID WILLIAM ..... ANNAPOLIS, MD	09/20/1999
GALLINARO, LOUIS ..... AMHERST, MA	09/20/1999
GLENSIDE COUNSELING CENTER ..... LOMBARD, IL	09/20/1999
GRAVELY, ROBERT FLOYD .. MARTINSVILLE, VA	09/20/1999
GUTHRIE, PAMELA JANE ..... EUGENE, OR	09/20/1999
HART, BARBARA ..... BALTIMORE, MD	09/20/1999
HUMBERT, SHARON W ..... ARDEN, NC	09/20/1999
HUNT, LARRY GLEN ..... MAXWELL AFB, AL	09/20/1999
JARVIS, JAMES S ..... ZANESVILLE, OH	09/20/1999
JOHNSON, BOBBY ..... ATLANTA, GA	09/20/1999
JOHNSON, JAMIE ..... CHICAGO, IL	09/20/1999
LASTER, MARILOIS ALLEN .... CLAXTON, GA	09/20/1999
LEAL, RIGOBERTO ..... LEXINGTON, KY	09/20/1999
LINEBERGER, FRANK J JR .... LITHONIA, GA	09/20/1999
MATIR, EUGENIO ..... MIAMI, FL	09/20/1999
MCALLISTER, HEATHER ..... WELLSBURG, WV	09/20/1999
MCWHORTER, JUDY ..... LOCKSBURG, AR	09/20/1999
MICHENER, MARY CHRISTINE ..... EDEN, ID	09/20/1999
MOREJON, REINALDO ..... OPALOCKA, FL	09/20/1999
MORENO, LUIS ..... MIAMI, FL	09/20/1999
MYRICK, DEBRA A ..... DES MOINES, IA	09/20/1999
PAPIASVILI, AVTANDIL ..... NEW YORK, NY	09/20/1999
PEYKAR, EZZAT ..... GREAT NECK, NY	09/20/1999
POBRE, SILVESTRA ..... PEKIN, IL	09/20/1999
POWER, JOHN B ..... MONTPELIER, VT	09/20/1999
PREAP, DENNISA THIDA ..... LONG BEACH, CA	09/20/1999
RASMUSSEN, LARRY ..... CAROL STREAM, IL	09/20/1999
ROSHY, GARY L ..... RICHMOND, VA	09/20/1999
SANTOS, JESUS ..... MIAMI, FL	09/20/1999
SILVERMAN, FRANK H ..... LONG BEACH, NY	09/20/1999
SIMMONS, RHONDA L ..... OVERLAND PARK, KS	09/20/1999
THOMPSON, CAROLYN ELAINE ..... PULASKI, VA	09/20/1999
TROLLINGER, ROBERT J ..... MEDFORD, NJ	09/20/1999
TURNER, JOHNNIE JR ..... WESTMONT, IL	09/20/1999
VILARINO, HUMBERTO ..... EGLIN AFB, FL	09/20/1999
WATTS, LINDA SHIRLEY ..... BALDWIN, LA	09/20/1999
WE CARE HEALTH SUPPLY, INC ..... PORT CHARLOTTE, FL	09/20/1999
WORKMAN, DAVID HENRY .... KAYSVILLE, UT	09/20/1999
YONG, PETER YAU-LING ..... DOUGLASTON, NY	09/20/1999
YOUVAN, GREGORY GENE ... STERLING, KS	09/20/1999
FELONY CONVICTION FOR HEALTH CARE FRAUD	
DUPRE, DEBORAH LYNN ..... CLOVIS, CA	09/20/1999
STINSON, VIRGIE ..... HICKORY, NC	09/20/1999
FELONY CONTROL SUBSTANCE CONVICTION	
BLAZY, DAVID S ..... MAPLE HGTS, OH	09/20/1999
KEVORKIAN, JACK ..... EAST LAKE, MI	09/20/1999
SAGMAQUEN, ROLANDA R ... FRESNO, CA	09/20/1999
TREMOGLIE, DAVID E ..... PHILADELPHIA, PA	09/20/1999
PATIENT ABUSE/NEGLECT CONVICTIONS	
AVERETT, JIMMY R ..... LIVINGSTON, LA	09/20/1999
BOE, SANDRA L ..... RHINELANDER, WI	09/20/1999
BROOKS, ISRAEL MOSES ..... BUENA VISTA, CO	09/20/1999
CAVINS, PAULA L ..... CENTRALIA, IL	09/20/1999
COOK, GERALDINE ..... TULSA, OK	09/20/1999
DAVIS, MELINDA ..... JACKSON, MS	09/20/1999
DAVIS, SABRINA R ..... ROCHESTER, NY	09/20/1999
DAWSON, BEATRICE ..... BENTON, AR	09/20/1999
DEGUZMAN, ANTONIO ..... BRIDGEWATER, MA	09/20/1999
DESAI, SANJIV C ..... FRANKLIN PARK, NJ	09/20/1999
GILLESPIE, ALBERTA ..... CHICAGO, IL	09/20/1999
HASHEM, GAMAL I ..... HACKENSACK, NJ	09/20/1999
HAWKINS, KATHLEEN ..... FRANKLIN, LA	09/20/1999
HEARN, DIA ..... SCHENECTADY, NY	09/20/1999
HOPKINS, MONA MARIE ..... LAFAYETTE, LA	09/20/1999
JACKSON, LARRY DOBBY ..... KILLEEN, TX	09/20/1999
JOHNSON, LETICIA ANN ..... BERWICK, LA	09/20/1999
JOHNSON, HAROLD RICHARD ..... SAN JOSE, CA	09/20/1999
KETTELLE, GENE R ..... N KINGSTON, RI	09/20/1999
LEWIS, LAKEISHA MARIE ..... JEANERETTE, LA	09/20/1999
MARQUEZ, LETICIA ..... ROCHESTER, NY	09/20/1999
NORRIS, TABETHA ELAINE ... ALEXANDRIA, LA	09/20/1999
OCHIEZE, COMFORT ..... HOUSTON, TX	09/20/1999
PIERRE, LILLIAN ..... WESTBURY, NY	09/20/1999
RADKE, DENNIS R ..... CHEROKEE, IA	09/20/1999
RAMPERSAUD, HUBERT ..... FAR ROCKAWAY, NY	09/20/1999
REID, JESSE ..... BALTIMORE, MD	09/20/1999
SELK, ROBERT D ..... WELLINGTON, KS	09/20/1999
SHEARIN, NICKIE NICOLE ..... NORLINA, NC	09/20/1999
SHEPHERD, DEREK ..... BALTIMORE, MD	09/20/1999
SINGLETON, TINISHA LACHELL	09/20/1999

Subject, city, state	Effective date
TULSA, OK	
SMITH, COLLEENA MICHELLE HOUSTON, TX	09/20/1999
SMITH, DARRELL KEITH CHICAGO, IL	09/20/1999
SOUFFRANT, MARIE HEMPSTEAD, NY	09/20/1999
STOWERS, NANCY L STOUGHTON, WI	09/20/1999
THOMAS, HENRY MAURICE BALTIMORE, MD	09/20/1999
TUCKER, JOYCE AMITE, LA	09/20/1999
TURNBULL, RENEE M BALLSTON, NY	09/20/1999
VASQUEZ, EMILIO TAYLORSVILLE, UT	09/20/1999
WASHINGTON, MICHELLE DAPHIENE ROME, NY	09/20/1999
WILLARD, FRANCES GREEN RIVER, UT	09/20/1999
WRIGHT, MICHAEL C. DUNCAN, SC	09/20/1999

CONTROLLED SUBSTANCE CONVICTIONS

BRYANT, CAROLYN ROANOKE RAPIDS, NC	09/20/1999

LICENSE REVOCATION/SUSPENSION/SURRENDERED

ABEYTA, EPIFANIA E PUEBLO, CO	09/20/1999
ADAMS, STEVEN WALLACE SAN DIEGO, CA	09/20/1999
ALLEN, JERRE WAYNE IONE, CA	09/20/1999
AMABILE, JOHN C NEPTUNE CITY, NJ	09/20/1999
ANDREWS, LISA ANN HYDEN WETUMPKA, AL	09/20/1999
ARCHER, DONNA J LUBBOCK, TX	09/20/1999
BAILEY, ROSS DWAINE SAN DIEGO, CA	09/20/1999
BANKS, GLORIA J BIRMINGHAM, AL	09/20/1999
BARROSO, CARLOS M HIALEAH, FL	09/20/1999
BARTLETT, SUSAN B GOFF WOODLAKE, CA	09/20/1999
BEAR, LANA MARIE WINNEMUCCA, NV	09/20/1999
BECQUETTE, TERRIE LEE APPLE VALLEY, CA	09/20/1999
BENSON, JAMES DAWSON JR JASPER, AL	09/20/1999
BLACK, BOBBIE E WIGGINS, MS	09/20/1999
BOOTH, JUDY ANN EL CAJON, CA	09/20/1999
BORISKIN, HENRY LEIB MAHOPAC, NY	09/20/1999
BOSOMPEM, ANDREW MIREKU VAN NUYS, CA	09/20/1999
BRACHMAN, NANCI L NEVADA CITY, CA	09/20/1999
BRADLEY, RICKY EUGENE ATLANTA, GA	09/20/1999
BRANSON, PATRICIA SUGARLOAF, CA	09/20/1999
BRAYTON, RAYMOND MICHAEL ILION, NY	09/20/1999
BRIDGES, DERANDA M LUFKIN, TX	09/20/1999
BRODIE, HOWARD R TARZANA, CA	09/20/1999
BRYANT, TROY LEE MAYWOOD, CA	09/20/1999
BUGARIN, ALEJANDRA B CAPE CORAL, FL	09/20/1999
BURKE, JAMES RICHARD COTTAGE GROVE, OR	09/20/1999
BURNARD, JENIFER CHRISTINE BROOKLYN, NY	09/20/1999
BUTTRUM, DAWN MARIE LAGRANGE, GA	09/20/1999
CABRERA, AMADOR A MIAMI, FL	09/20/1999
CALHOUN, JAMES DELANO LANETT, AL	09/20/1999
CAMACHO, BARBARA A WINTHROP, MA	09/20/1999
CAREY, BRIAN PHILADELPHIA, PA	09/20/1999
CARLSON, ROBERT A CAVENDISH, VT	09/20/1999
CARPENTER, CYNTHIA LEE MONTGOMERY, AL	09/20/1999
CAUDLE, TINA LOUISE NORWALK, CA	09/20/1999
CHESLEY, KATHLEEN JEAN BATAVIA, NY	09/20/1999
CHILSON, PATRICIA TOPEKA, KS	09/20/1999
COHEN, LAWRENCE M CANTON, MA	09/20/1999
CORNELISON, SHAWN DIONNA DUTTON, AL	09/20/1999
COURNOYER, ANNE M WESTBOROUGH, MA	09/20/1999
D'CUNHA, KENNETH M DANNEMORA, NY	09/20/1999
DAWSON, CARMENCITA VALERIO ANAHEIM, CA	09/20/1999
DOMINIC, ROLAND JAMES GILBOA, NY	09/20/1999
ELLIS, SHINNER GREENWOOD, MS	09/20/1999
FANG, MARY HUI POTOMAC, MD	09/20/1999
FISHER, GREG SCOTT VALENCIA, CA	09/20/1999
FLEARY, ANNIE ADELLA BROOKLYN, NY	09/20/1999
FLEURIMA, BARBARA TULIE BROOKLYN, NY	09/20/1999
FRANCO, ALLEN I LAS VEGAS, NV	09/20/1999
GALLAGHER, PETER J PITTSBURGH, PA	09/20/1999
GERMANN, TIMOTHY D MISSION HILLS, CA	09/20/1999
GIBSON, LEONARD DEAN WINNEMUCCA, NV	09/20/1999
GILLEN, BEVERLY KAYE WICHITA FALLS, TX	09/20/1999
GODWIN, ANDREW C SYRACUSE, NY	09/20/1999
GRAVADOR, LOURDES LAKEWOOD, CA	09/20/1999
GREEN, SYNDI ANN COSTA MESA, CA	09/20/1999
GREENE, MARIA ANN SANTA MARIA, CA	09/20/1999
GREENOUGH, HARRY W III ANCHORAGE, AK	09/20/1999
GRIFFIN, KATHY L DENVER, CO	09/20/1999
HADLEY, JANICE S AUBURN, AL	09/20/1999
HAMMOND, RAMONA TAYLORSVILLE, MS	09/20/1999
HARMON, TOMMY L COLORADO SPRING, CO	09/20/1999
HARPER, ROBBIE NELL HALEYVILLE, AL	09/20/1999
HARRIS, VERNE DUNCAN ARCADIA, CA	09/20/1999
HARRIS, NANCY BETH MARLBORO, MA	09/20/1999
HENDERSON, LAUREN KENT BIRMINGHAM, AL	09/20/1999
HENDRIX, BRENDA S CRADDOCK MONTGOMERY, AL	09/20/1999
HESKETT, ELAINE DAWN OCALA, FL	09/20/1999
HEY, SUSAN LYNNE GATESVILLE, TX	09/20/1999
HILL, MARCY JANE WICKER HARTWELL, GA	09/20/1999
HOENER, IRENE SANTA ROSA, CA	09/20/1999
HOOD, KAREN LYNN NAUVOO, AL	09/20/1999
HOWARD, DOROTHY ELLEN AUGUSTA, GA	09/20/1999
HUFNAGEL, VICKI GEORGES LOS ANGELES, CA	09/20/1999
HYCHE, SUE ELLEN JASPER, AL	09/20/1999
JOHNSON, PHOEBE PAULETTE ADAMSVILLE, AL	09/20/1999
JOHNSON, CINDY LEE STILLWELL ATHENS, GA	09/20/1999
JOHNSON, NEDRA DYNELLE MAYSVILLE, GA	09/20/1999
JOHNSON, BERTHA J AURORA, CO	09/20/1999
JONES, ANITA HILL DAPHNE, AL	09/20/1999
KELLY, ROBERT W SAN FRANCISCO, CA	09/20/1999
KIRKPATRICK, CHRISTINE J BRISSETTE NORTHFIELD, VT	09/20/1999
KLEIDON, DIANA M JACKSONVILLE, IL	09/20/1999
KNOWLES, SHARON ANN EL SEGUNDO, CA	09/20/1999
KOESTER, CAROL DEE SONORA, CA	09/20/1999
KURIATA, JACQUELINE LAURINO ARDMORE, PA	09/20/1999
KUSTERBECK, RICHARD SKILLMAN, NJ	09/20/1999
KWIATKOSKI, SANDRA KAY	09/20/1999

Subject, city, state	Effective date
CONCORD, AL	
LANG, JODI L ..... DENVER, CO	09/20/1999
LANGEFELD, JANET M ..... VACAVILLE, CA	09/20/1999
LAWYER, CARRIE A ..... DENVER, CO	09/20/1999
LENETT, MAXINE ETHEL ..... VICTORVILLE, CA	09/20/1999
LIDDLE, SCOTT KENTON ..... TUSCALOOSA, AL	09/20/1999
LITTLEJOHN, JUANITA JO ..... LINDEN, TX	09/20/1999
LONG, MICHAEL EARL ..... SAN FRANCISCO, CA	09/20/1999
LOPEZ, DORIS ANN ..... BLYTHE, CA	09/20/1999
LOWRANCE, NELL ROSE ..... REFUGIO, TX	09/20/1999
LUKASZEWICZ, ROBERT P ... ALIQUIPPA, PA	09/20/1999
LYKIARDOPOULOS, JOY ..... PITTSBURGH, PA	09/20/1999
MACKEY, DEBRA JOY FERGUSON ..... TUSCALOOSA, AL	09/20/1999
MARABLE, DELORES JONES TEMPLE HILLS, MD	09/20/1999
MARSHALL, MARJORIE A ..... ROCHESTER, NY	09/20/1999
MAURO, MARY LOU ..... GRANTS, NM	09/20/1999
MCALEESE, JAMES L ..... PHILADELPHIA, PA	09/20/1999
MCGEHEE, MARY EVELYN .... HATTIESBURG, MS	09/20/1999
MCKENZIE, DEANA ..... BERLIN, MD	09/20/1999
MCSWEENEY, CRISTA LEE ... WINOOSKI, VT	09/20/1999
MIRANDA, CESAR PERAZ ..... BUTLER, PA	09/20/1999
MOELLENDORF, MARK ALEXANDER ..... PFUGERVILLE, TX	09/20/1999
MOORE, BOBBY LEE ..... ABILENE, TX	09/20/1999
MOORE, STEVE DOUGLAS ... CORONA, CA	09/20/1999
MOORE, HEATHER JILSON ... ELMIRA, NY	09/20/1999
MORTUS, MARY BERK ..... STRONGSVILLE, OH	09/20/1999
MOTT, JANET M ..... FREDERICKSBURG, TX	09/20/1999
MOTT, BERNICE S ..... STARKE, FL	09/20/1999
MOUTON, JOSEPH L JR ..... OCEAN SPRINGS, MS	09/20/1999
MOYE, CASSANDRA EYVETTE ..... VALLEY, AL	09/20/1999
MUNKUS, LEIGH M ..... PELL CITY, AL	09/20/1999
NICHOLSON, CHUCK ALTON BRUNSWICK, GA	09/20/1999
NORCROSS, THOMAS B ..... DUXBURY, MA	09/20/1999
NORTON, JULIANNE M ..... HORNELL, NY	09/20/1999
OCCHIPINTI, JUDITH A ..... NEWTON, MA	09/20/1999
OSBORN, CLYDE BELEW JR	09/20/1999

Subject, city, state	Effective date
TORRANCE, CA	
OWEN, DAVID E ..... GARDNER, MA	09/20/1999
PAK, HAN HO ..... PEBBLE BEACH, CA	09/20/1999
PALMER, DOREEN ..... HARTSDALE, NY	09/20/1999
PARKER, KIMBERLY SMITH .. MOULTON, AL	09/20/1999
PEPPER, MARION B JR ..... PENSACOLA, FL	09/20/1999
PETTUS, NANCY P NICHOLSON ..... BIRMINGHAM, AL	09/20/1999
PINGOLT, JOSEPH W ..... STAUNTON, IL	09/20/1999
POWELL, LORETTA J ..... CHICAGO, IL	09/20/1999
RANDAL, WILLIAM J ..... PITTSBURGH, PA	09/20/1999
REPPER, THOMAS M ..... JACKSONVILLE, FL	09/20/1999
RICE, MICHAEL DAVID ..... SAN FRANCISCO, CA	09/20/1999
RIVERS, MARY JANE PEOPLES ..... MOBILE, AL	09/20/1999
ROLFE, VICTORIA ANNE ..... N BABYLON, NY	09/20/1999
RORIE, MICHAEL STEPHEN .. MCLEAN, VA	09/20/1999
ROWE, RAYMOND L ..... ARVADA, CO	09/20/1999
RUMBALL, SUSAN A ..... ERIE, PA	09/20/1999
RUTERBORIES, MICHAEL J ... DENVER, CO	09/20/1999
SALDANA, CESAR ..... CUERO, TX	09/20/1999
SANWONG, CLARA JOYCE ... HAYWARD, CA	09/20/1999
SCHEIDWEILER, MARK J ..... BIRMINGHAM, AL	09/20/1999
SHELLEY, PAUL KEITH ..... SMYRNA, GA	09/20/1999
SHELTON, OLINA FAYE ..... CHOWCHILLA, CA	09/20/1999
SHINE, DAWN APRIL ..... ROCHESTER, NY	09/20/1999
SHUTTERLY, RALPH A ..... MONTGOMERY, AL	09/20/1999
SIEGAL, MARTIN W ..... RANDOLPH, MA	09/20/1999
SMITH, KATHLEEN A ..... JOHNSONBURG, PA	09/20/1999
SMITH, PAMELA DENISE ..... BIRMINGHAM, AL	09/20/1999
SPINA, JOANNE ..... DEER PARK, NY	09/20/1999
STERNS, JORDAN B ..... LA MESA, CA	09/20/1999
STOBBIONE, SANDRA F ..... JOLIET, IL	09/20/1999
SUNBERG, EMILY DARLENE BESSEMER, AL	09/20/1999
TARVER, WALTER J ..... DENVER, CO	09/20/1999
THEODORE, CLAIRE M ..... MALDEN, MA	09/20/1999
THOMPSON, PEARL J ..... MIDLAND, TX	09/20/1999
THOMPSON, FELIX JR ..... PERRIS, CA	09/20/1999
THORTON, STACI LYNN	09/20/1999

Subject, city, state	Effective date
PALESTINE, TX	
TILLMAN, DEMETRA ..... JACKSON, MS	09/20/1999
TONKS, MICHAEL JAY ..... PALM DESERT, CA	09/20/1999
WAHL, STEPHEN J ..... WARWICK, RI	09/20/1999
WALKER, SHARON A ..... RICHMOND, VA	09/20/1999
WALKER, HARRIET DENISE .. COLTON, CA	09/20/1999
WALTER, FAYE H ..... DENVER, CO	09/20/1999
WARBURTON, DIANA ..... SANTA YNEZ, CA	09/20/1999
WEINSTEIN, GARY ..... MIAMI, FL	09/20/1999
WILSON, ALAN D ..... NORFOLK, VA	09/20/1999
WILSON, MARTHA A ..... SHEFFIELD, AL	09/20/1999
WILSON, LENORIA JOHNSON TUSCALOOSA, AL	09/20/1999
WINEGARDEN, ROBERT ..... EDISON, NJ	09/20/1999
WINGO, KATHARINE SONOKO ..... BIRMINGHAM, AL	09/20/1999
YUENG, NURYS MARY ..... BROOKLYN, NY	09/20/1999

FEDERAL/STATE EXCLUSION/SUSPENSION

KENNEDY, SHANNON ..... SEASIDE HGTS, NJ	09/20/1999
OH, DONALD D ..... PHILLIPSBURG, NJ	09/20/1999
RIVERA, CLARISSA L ..... HOWELL, NJ	09/20/1999
SOCARRAS, PATRICIA D ..... MARY ESTER, FL	09/20/1999

FRAUD/KICKBACKS

AYRES, JAMES M ..... RALEIGH, NC	03/16/1999
GONZALEZ, JOSE J ..... MIAMI, FL	09/20/1999
RESNICK, LIONEL ..... MIAMI LAKES, FL	05/07/1999

OWNED/CONTROLLED BY CONVICTED/EXCLUDED

BAYCHESTER PHARMACY, INC ..... BRONX, NY	09/20/1999
BEST MEDICAL RENTALS, INC ..... MIAMI, FL	09/20/1999
M MICHENER & ASSOCIATES, INC ..... TWIN FALLS, ID	09/20/1999
NATIONAL MEDICAL & SURGICAL ..... MARIANNA, FL	09/20/1999
SHAW AVENUE CHIROPRACTIC ..... FRESNO, CA	09/20/1999
WOMAN'S CLINIC OF PLANO	09/20/1999

Subject, city, state	Effective date
PLANO, TX	
DEFAULT ON HEAL LOAN	
BARAHEMI, MANSOUREH ..... ANAHEIM HILLS, CA	09/20/1999
BARCELO, JAIME V ..... MIAMI, FL	09/20/1999
BARNO, MICHAEL D ..... ORANGEVALE, CA	09/20/1999
GOODWIN, RANDALL J ..... ATWOOD, KS	09/20/1999
JACKSON, STEPHEN C ..... MILLVILLE, NJ	09/20/1999
JOHNSTON, DAVID K ..... HOUSTON, TX	09/20/1999
KAHRS, JEFFREY B ..... TACOMA, WA	09/20/1999
KINCY, GARY W ..... BIRMINGHAM, AL	09/20/1999
KNAPKE, VICKI L ..... INDIANAPOLIS, IN	09/20/1999
KRUPP, MICHAEL D ..... PORTLAND, OR	09/20/1999
MCCOMBS, MARTIN B ..... LONG BEACH, CA	09/20/1999
MCGHEE, ORSEL S III ..... ANAHEIM, CA	09/20/1999
MCKENZIE, LAWRENCE G ..... THIEF RIVER FALLS, MN	09/20/1999
MONGALO, VIRGILIO J ..... MIAMI, FL	09/20/1999
O'BRIEN, DENNIS E ..... LA CENTER, WA	09/20/1999
ORNELAS, MANUEL E ..... MOBILE, AL	09/20/1999
ORTIZ, ERNEST E ..... VALENCIA, CA	09/20/1999
PINSON, JEFFREY R ..... NATALIA, TX	09/20/1999
RAZAVIAN, FAHIMEH ..... MISSION VIEJO, CA	09/20/1999
ROUTLEY, DAVID B ..... BIG RAPIDS, MI	09/20/1999
SEFLA, TODD S ..... PAWTUCKETT, RI	09/20/1999
SOKOL, LOUIS J ..... HOBE SOUND, FL	09/20/1999
THOMPSON, BENJAMIN F ..... MADISON, AL	09/20/1999
WHITTAKER, ROBIN D ..... NASHVILLE, TN	08/25/1999
SETTLEMENT AGREEMENT	
MODERN MEDICAL CENTER, INC ..... MIAMI, FL	09/20/1999

Dated: September 2, 1999.

Joanne Lanahan,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 99–24429 Filed 9–20–99; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request: Request for Generic Clearance To Conduct Voluntary Customer/Partner Surveys

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Library of Medicine (NLM), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Voluntary Customer Satisfaction Surveys. *Type of Information Collection Request:* New. *New and Use of Information Collection:* Executive Order 12962 directs agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. Additionally, since 1994, the NLM has been a ''Federal Reinvention Laboratory'' with a goal of improving its methods of delivering information to the public. An essential strategy in accomplishing reinvention goals is the ability to periodically receive input and feedback from customers about the design and quality of the services they receive.

The NLM provides significant services directly to the public including health providers, researchers, universities, other federal agencies, state and local governments, and to others through a range of mechanisms, including publications, technical assistance, and web sites. These services are primarily focused on health and medical information dissemination activities. The purpose of this submission is to obtain OMB's generic approval to conduct satisfaction surveys of NLM's customers. The NLM will use the information provided by individuals and institutions to identify strengths and weaknesses in current services and to make improvements where feasible. The ability to periodically survey NLM's customers is essential to continually update and upgrade methods of providing high quality service. *Frequency of Response:* Annually or biennially. *Affected Public:* Individuals or households; businesses or other for profit; state or local governments; Federal agencies; non-profit institutions; small businesses or organizations. *Type of Respondents:* Organizations, medical researchers, physicians and other health care providers, librarians, students, and the general public. Annual reporting burden is an follows:

Title of Survey	Type of survey	Number of respondents	Estimated response time	Burden hours
Evaluation of Clinical Studies Database	Web-based	1,000	.167	167
Visible Human Project—Image Processing Tools	Electronic Mail	1,000	.25	250
PubMed	Web-based	5,000	.0835	418
Entrez	Web-based	2,000	.0835	167
GeneMap	Web-based	2,000	.0835	167
NCBI Web Site	Web-based	2,000	.0835	167
NLM Service Desk Survey	Interactive Voice Response telephone.	400	.0835	33
NLM Onsite Reading Room Use	Exit Interview	500	.167	84
NLM Electronic Mail Customer Survey	Electronic Mail	1,000	.0835	84
MEDLINEplus User Survey	Web-based	500	.0835	59
Survey of Unified Medical Language System (UMLS) Use	Mail Survey	1,000	.5	500
NLM Services Satisfaction Survey	Web-based	2,000	.0835	167
Total				2,163

There are no capital costs to report. There are no operating or maintenance costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request additional information on the proposed collection of information contact Ronald F. Stewart, National Library of Medicine, Building 38, Room 2N07, 8600 Rockville Pike, Bethesda, MD 20894, or call non-toll free number (301) 496–6491. You may also e-mail your request to: ron__stewart@nlm.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on of before November 22, 1999.

Dated: September 13, 1999.

Donald C. Poppke,

Associate Director for Administrative Management, National Library of Medicine.

[FR Doc. 99–24520 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Opportunity for a Cooperative Research and Development Agreement (CRADA) To Develop Live Attenuated Dengue Viruses for Use as Vaccines in Humans

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) is seeking capability statements from parties interested in entering into a Cooperative Research and Development Agreement (CRADA) on a project to develop live attenuated dengue viruses for use as vaccines to prevent dengue hemorrhagic fever and dengue shock syndrome in humans. This project is part of ongoing vaccine development activities in the Laboratory of Infectious Diseases (LID), Division of Intramural Research, NIAID.

DATES: Only written CRADA capability statements received by the NIAID on or before November 2, 1999 will be considered.

ADDRESSES: Capability statements should be submitted to Dr. Michael R. Mowatt, Office of Technology Development, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 31 Center Drive MSC 2137, Building 31, Room 3B62, Bethesda, MD 20892–2137; Tel: 301/496–2644, Fax: 301/402–7123; Electronic mail: mmowatt@nih.gov.

SUPPLEMENTARY INFORMATION: The CRADA will employ attenuated dengue virus strains (types 1 through 4) developed in LID using recombinant DNA methodologies to (1) identify and characterize the mutations responsible for attenuation, (2) engineer viral strains suitably attenuated for use as human vaccines, and (3) evaluate the attenuated viruses as live vaccines in animals and humans. The Public Health Service (PHS) has filed patent applications both in the U.S. and internationally related to these technologies.

The LID has extensive experience in evaluating the safety, antigenicity, immunogenicity and efficacy of various human viral pathogens and vaccines thereof both in experimental animals and human volunteers. The Collaborator in this endeavor is expected to commit several scientists off-site to support the activities defined by the CRADA Research Plan. These scientists, in collaboration with investigators in the LID, would coordinate the production and release testing of the candidate vaccines, generate monoclonal antibodies needed for manufacture of clinical lots and for their clinical evaluation, and use molecular virologic techniques to generate attenuating mutations suitable for use in live vaccine candidates. In addition, it is expected that the Collaborator will provide funds to supplement LID's research budget for the project and would make a major funding commitment to support the safety, immunogenicity and efficacy studies for candidate vaccines developed under the CRADA.

The capability statement must address, with specificity, each of the following selection criteria: (1) The technical expertise of the Collaborator's Principal Investigator and laboratory group in molecular virology, (2) Ability of Collaborator to manufacture experimental vaccine lots for parenteral administration under Good Manufacturing Practices (GMP) conditions, and (3) Ability to provide adequate and sustained funding to support the requisite vaccine safety and efficacy studies.

Dated: September 13, 1999.

Mark L. Rohrbaugh,

Director, Office of Technology Development, NIAID.

[FR Doc. 99–24516 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Fogarty International Center Advisory Board, Research Awards Subcommittee Meeting.

Date: September 27, 1999.

Time: 3:00 PM. to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Lawton Chiles International House, 16 Center Drive, (Building 16), Bethesda, MD 20892.

Contact Person: Irene W. Edwards, Information Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Drive MSC 2220, Bethesda, MD 20892, 301–496–2075.

This notice is being published less than 15 days prior to the meeting due to the timing limitation imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International

Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24511 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation of other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Commitee: Fogarty International Center Advisory Board.

Date: September 28, 1999.

Open: 8:30 AM to 12:00 PM.

Agenda: Report of the Director and presentations on Inernational Nutrition Issues.

Place: Lawton Chiles International House, 16 Center Drive (Building 16), Bethesda, MD 20892.

Closed: 12:00 PM TO 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Lawton Chiles International House, 16 Center Drive (Building 16), Bethesda, MD 20892.

Contact Person: Irene W. Edwards, Information Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Drive MSC 2220, Bethesda, MD 20892, 301–496–2075.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Asistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Resereach Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior Internatiional Fellowship Awards Program, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24512 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Review of the Alland R01.

Date: September 23, 1999.

Time: 11:00 AM to 12:30 PM.

Agenda: To review and evaluate grant applications.

Place: NIAID, NIH, (Room 2148), 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, (Telephone Conference Call).

Contact Person: Dianne E. Tingley, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–24510 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Mental Retardation Research Subcommittee.

Date: October 7–8, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.

Contact Person: Norman Change, PhD, Scientific Review Administrator, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24514 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, NICHD RFP Contract Review.

Date: September 15, 1999.

Time: 10:00 AM to 4:00 PM.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Blvd., DSR Conf. Rm., Rockville, MD 20852.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24515 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: October 29, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, PhD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24517 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: October 18–19, 1999.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John R. Lymangrover, PHD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24518 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Population Research Subcommittee.

Date: October 21–22, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, Phd., Health Scientist Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Rm. 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93–209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24519 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Center for Biotechnology Information, National Library of Medicine.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Library of Medicine, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Center for Biotechnology Information, National Library of Medicine.

Date: October 11–12, 1999.

Time: October 11, 1999, 7:00 PM to 10:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Time: October 12, 1999, 8:30 AM to 2:00 PM.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: David J. Lipman, MD, Director, Natl Ctr For Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: September 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–24513 Filed 9–20–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4513–N–02]

Credit Watch Termination Initiative

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration against HUD-approved mortgagees through its Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements (Agreements) terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh St. SW, Room B133–P3214, Washington, DC 20410; telephone (202) 708–2830 (This is not a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in the HUD mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating origination approval agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement

Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Agreement between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor performance of FHA-insured mortgage loans originated by the mortgagee. The Termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD's regulations at 24 CFR part 25.

Cause

HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the first review period, HUD is only terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 300 percent of the field office rate.

Effect

Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the Termination became effective may be submitted for insurance endorsement. Approved loans are (1) those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may request to have its authority to originate FHA

loans reinstated no earlier that six months after the effective date of the Termination. The request, addressed to the Director, Office of Lender Activities and Program Compliance, should describe any actions taken (*e.g.*, changes in operations and/or personnel) to eliminate the cause(s) of the poor loan performance that led to the Termination.

Action

The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch street address	Mortgagee branch city	Mortgagee branch state	HUD office jurisdictions	Termination effective date	Home ownership centers
American Choice Mtg. Corp.	7855 NW 12th St. Ste 103.	Miami	FL	Coral Gables, FL	08/01/1999	Atlanta.
Amerimort Financial Group dba/ Citimortgage.	13200 Crossroads Pkwy N 200.	City of Industry	CA	Los Angeles, CA	08/01/1999	Santa Ana.
Cameron Mtg. Co	8563–2 Argyle Business Loop.	Jacksonville	FL	Jacksonville, FL	09/15/1999	Atlanta.
Capitol Mtg. Bankers	All Branches			Washington, DC	09/15/1999	Philadelphia.
Capitol Mtg. Bankers	All Branches			Baltimore, MD	09/15/1999	Philadelphia.
Capitol Mtg. Bankers	901 Dulaney Valley Rd.	Towson	MD	Richmond, VA	09/15/1999	Philadelphia.
Citizens First Mtg	2301 Lee Rd	Winter Park	FL	Orlando, FL	09/15/1999	Atlanta.
CTX Mtg. Co	11108–10 West National Avenue.	West Allis	WI	Milwaukee, WI	09/15/1999	Denver.
Dalma Corp. dba/ Alpha Mtg. Bankers.	1745 Old Spring House Lane 400.	Atlanta	GA	Atlanta, GA	09/15/1999	Atlanta.
Eastern Mtg. Corp	8380 Baymeadows Rd Ste 9.	Jacksonville	FL	Jacksonville, FL	09/15/1999	Atlanta.
First National Funding Group.	2690 E Garvey Avenue S.	West Covina	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Four Star Mtg. Ltd	1349 Empire Central Ste 404.	Dallas	TX	Dallas, TX	09/15/1999	Denver.
Friendly Hills Mtg	7028 Greenleaf Ave Ste M.	Waittier	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Harbor Financial Mtg	5350 South Staples Ste 103.	Corpus Christi	TX	San Antonio, TX	08/01/1999	Denver.
Harbor Financial Mtg	5024 Campbell Blvd Ste H.	Baltimore	MD	Baltimore, MD	08/01/1999	Philadelphia.
Home Mtg. Center	3227 Duke St	Alexandria	VA	Washington, DC	09/15/1999	Philadelphia.
Mirage Financial Services.	3565 NE 163rd St	North Miami Beach	FL	Coral Gables, FL	09/15/1999	Atlanta.
Mortgage Acceptance Corp.	10 McKinley St	Closter	NJ	Newark, NJ	08/01/1999	Philadelphia.
Mortgage Acceptance Corp.	10 McKinley St	Closter	NJ	New York, NY	08/01/1999	Philadelphia.
Mortgage Capital Resources Corp.	3435 Wilshire Blvd Ste 380.	Los Angeles	CA	Los Angeles, CA	09/15/1999	Santa Ana.
Mortgage Lending of America.	110 Walt Whitman Rd Ste 204.	Huntington Station	NY	New York, NY	09/15/1999	Philadelphia.
Ober Financial Corp. dba/Combined Mtg.	15329 Bonanza Rd Ste D.	Victorville	CA	Santa Ana, CA	09/15/1999	Santa Ana.
Plus Four Mtg	36358 Garfield Rd	Clinton Twp	MI	Detroit, MI	09/15/1999	Philadelphia.
Presidential Mtg. Corp.	1210 32nd St. North.	Birmingham	AL	Birmingham, AL	09/15/1999	Atlanta.
Progressive Loan Funding.	3030 Old Ranch Pkwy Ste 150.	Seal Beach	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RC Mtg. Inc	8560 Vineyard Ave. Ste 407.	Rancho Cucamonga.	CA	Santa Ana, CA	09/15/1999	Santa Ana.
RE Mtg. Group	8141 E Kaiser Blvd Ste 212.	Anaheim Hills	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RE Mtg. Group	10927 Downey Ave. Ste A.	Downey	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RLS Mtg. Inc. dba/ Trinity Mtg.	309 E Rowland Ave.	Covina	CA	Los Angeles, CA	09/15/1999	Santa Ana.
RLS Mtg. Inc. dba/ Trinity Mtg.	All Branches			Santa Ana, CA	09/15/1999	Santa Ana.
RMS Inc. dba/Residential Lending Service Inc.	1421 Triad Center Dr. Ste 102.	Saint Peters	MO	St. Louis, MO	09/15/1999	Denver.
Sun America Mtg	750 Terrando Plaza Ste 14.	Covina	CA	Santa Ana, CA	09/15/1999	Santa Ana.
United California Mtg	12750 Center Court Dr. Ste 140.	Cerritos	CA	Los Angeles, CA	09/15/1999	Santa Ana.

Dated: September 14, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–24636 Filed 9–17–99; 10:59 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1320–00]

Powder River Regional Coal Team Activities: Notice of Public Meeting

AGENCY: Department of Interior, Wyoming.

ACTION: Notice of public meeting.

SUMMARY: The Powder River Regional Coal Team (RCT) announces that it has scheduled a public meeting for October 27, 1999, to review current and proposed activities in the Powder River Coal Region and to review pending coal lease applications (LBA).

DATES: The RCT meeting will begin at 9 a.m., M.D.T., on Wednesday, October 27, 1999. The meeting is open to the public.

ADDRESSES: The meeting will be held at the Holiday Inn, 2009 S. Douglas Highway, Gillette, WY 82718, 307–686–3000. Attendees are responsible for making their own reservations.

FOR FURTHER INFORMATION CONTACT: Mel Schlagel, Wyoming State Office, BLM, P.O. Box 1828 (922), Cheyenne, WY 82003, 307–775–6257.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to discuss the North Jacobs Ranch LBA. The Jacobs Ranch Coal Company (Kennecott Energy Company), filed an LBA (WYW146744), on October 2, 1998, for an estimated 519 million tons and 4,821 acres. In accordance with the *Powder River Operational Guidelines (1991),* the initial public notification of North Jacobs Ranch pending LBA was made at the February 23, 1999, RCT meeting in Billings, MT. At this meeting, the RCT approved processing for the North Jacobs Ranch LBA. This LBA has several conflicts between oil and gas development and coal mining. The RCT left open the possibility of another RCT meeting in the fall of 1999, to further address existing conflicts. Coal and oil and gas conflicts need further consideration by the RCT, and are the primary topic of discussion for this RCT meeting. Processing time frames between the North Jacobs Ranch LBA and the Belle Ayr LBA also need to be discussed by the RCT.

Two possible coal exchanges also need to be discussed by the RCT. The Belco exchange involves exchanging coal near Buffalo, WY, for Federal coal just north of the Buckskin Mine in Campbell County. The Pittsburg & Midway exchange proposal is to exchange Federal coal near Sheridan, WY, for private lands located throughout WY. The RCT may generate recommendation(s) for any or all of these topics. No new LBA's have been filed since the February 23, 1999, RCT meeting.

Any party interested in providing comments or data related to the above pending applications may either do so in writing to the State Director (925), Wyoming State Office, BLM, P.O. Box 1828, Cheyenne, WY 82003, no later than October 15, 1999, or by addressing the RCT with his/her concerns at the meeting on October 27, 1999.

The draft agenda for the meeting follows:

1. Introduction of RCT Members and guests.
2. Approval of the Minutes of the February 23, 1999, RCT meeting held in Billings MT.
3. Regional Coal Activity Status:
   a. Activity Since Last RCT Meeting.
   b. Status of pending LBAs previously reviewed by RCT.
   c. Belco Coal Lease Exchange.
4. Industry Presentations:
   —Jacobs Ranch Coal Company
   —Belle Ayr Coal Company
   —Pittsburg & Midway Exchange
7. RCT Activity Planning Recommendations—Review and recommendation(s) on pending Lease Application(s).
8. Discussion of the next meeting.
9. Adjourn.

Alan R. Pierson,

State Director.

[FR Doc. 99–24534 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–910–0777–26–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting notice of meeting.

SUMMARY: This notice announces a meeting of the Arizona Resource Advisory Council. The one-day business meeting will be held on October 22, 1999, in Tempe, Arizona. The RAC meeting will begin at 9:00 a.m. and will conclude at approximately 4:00 p.m. The meeting will be held at the Arizona Historical Society museum located at 1300 North College Avenue, Tempe, Arizona. The agenda items to be covered at the meeting include welcome of RAC members, review of the August 20, 1999, meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; RAC Orientation; Election of Chair/Vice Chair; Updates on Secretarial Initiatives, regarding Proposed Arizona National Monument and Empire Cienega National Conservation Area proposed legislation, and Barry Goldwater Range; Update on Permit Renewals, Biological Opinions, and Appeals; Clean Water Action Plan/Watersheds/Abandon Mines Presentation; Update Proposed Field Office Rangeland Resource Teams; Reports from BLM Field Office Managers; Working Group Assignments of new members; Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from RAC members; and Discussion of future meetings. A public comment period will be provided at 11:30 a.m. on October 21, 1999, for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2003, (602) 417–9215.

Signature:

Gary D. Bauer,

Acting Arizona State Director.

[FR Doc. 99–24533 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Availability and Sale of Federal Royalty Oil to Small Refiners

AGENCY: Minerals Management Service, Interior.

ACTION: Notice.

SUMMARY: This Notice explains how small refiners may apply to participate in the sale of Federal royalty oil and the procedures under which subsequent contracts will be awarded.

DATES: Completed applications to participate in the sale must be received by the close of business (4:00 p.m. Mountain Standard Time) on October 15, 1999. Bid proposals, signed contracts, and surety instruments must be received by the close of business

(4:00 p.m. Mountain Standard Time) on October 27, 1999. Documents received after these dates and times will be rejected. The sale will be held on October 28, 1999.

ADDRESSES: You may obtain an application to participate in the sale (Form MMS–4070, Application for the Purchase of Royalty Oil) directly from our web site *http://www.rmp.mms.gov/library/leglroom/notices/Notices.htm*. You may also request an application by writing to one of the addresses below or by calling Mr. Robert Prael at (303) 231–3217 or by sending an e-mail message to Robert.Prael@mms.gov.

Completed applications, bid proposals, signed contracts, and surety instruments must be addressed as follows:

Regular U.S. mail. Minerals Management Service, Royalty Management Program, Attention: Robert F. Prael, MS 3131, P.O. Box 5760, Denver, Colorado 80217–5760.

Overnight mail or courier. Minerals Management Service, Royalty Management Program, Room A–212, Document Processing Section, Attention: Robert F. Prael, Building 85, Denver Federal Center, Denver, Colorado 80225.

For confidentiality, please place your bid proposal in an envelope marked as ''confidential, to be opened only by Robert Prael'' and enclose this envelope inside the envelope containing the signed contract and surety instrument.

FOR FURTHER INFORMATION CONTACT: Robert F. Prael, Chief, Royalty-in-Kind Section, at (303) 231–3217, FAX (303) 231–3219, or e-mail Robert.Prael@mms.gov.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior has determined that sufficient need exists among small refining companies to justify taking royalty oil in kind and offering this oil for sale to eligible refiners. This determination of need is based on the following facts:

Small refiners who purchase crude oil in the Pacific and Gulf of Mexico regions have expressed concerns about the lack of stable access to the marketplace and the premium prices they frequently must pay to obtain desired feed stock.

Small refiners continue to play a prominent role in providing military jet fuel to the U.S. Department of Defense. This supply of military jet fuel and the diversity in suppliers and locations combine to make the small refiner oil program an important contributor to National security.

The U.S. Small Business Administration encourages program continuance in the interest of maintaining a competitive marketplace.

Small refiners also provide valuable resources for several States and local governments.

Accordingly, the Secretary has elected to take royalty oil in kind from certain Federal leases in the Gulf of Mexico and Pacific regions and offer such oil for sale to eligible small refiners.

Improvements to the Small Refiner Program

The Minerals Management Service (MMS) is making several improvements in the small refiner program effective with this sale. These improvements are summarized below:

1. Refiners will be reporting and paying based on their delivered volumes. In the past, MMS billed refiners based on volumes reported by operators. This volume, in many cases, had no relationship to the volume delivered to the refiners. The difference between deliveries and billings frequently created cash flow problems for refiners. By allowing refiners to pay only for what they receive, we will eliminate this problem.

2. Pricing will be established in the contract. This will eliminate problems created when we billed for retroactive price adjustments and refiners had no means to recover the additional cost through their end users.

3. We will monitor imbalances between the royalty barrels the Government is entitled to receive and the barrels actually received by the refiners. Deliveries by operators will be based on the royalty entitlement of 2 months prior, thereby keeping imbalances to a minimum (that is, Month 1 royalty entitlement will be delivered to the refiner in Month 3). If overdeliveries occur, we will issue a credit or refund to the operator. If underdeliveries occur, we will work with the operator and have either an additional delivery made or payment made in value. Penalties may also be assessed. We will charge or pay interest when operators under- or overdeliver royalty oil. We will charge or pay interest when refiners under- or overpay for royalty oil.

4. Administrative fees have been canceled. Because this sale will be a competitive bid sale, there is no need for an administrative fee.

5. Deliveries of royalty oil will occur at market centers such as St. James, etc.

Eligibility Requirements

For purposes of this sale, ''eligible refiners'' are those refiners who meet the criteria for small refiners as defined in the U.S. Small Business Administration regulations at 13 CFR part 121 (that is, no more than 75,000 barrels per day refinery capacity and 1,500 employees).

We will not accept an application from a refiner who is not in operation during the 60-day period before the date of the sale, unless the refiner certifies that operations will begin by the first month in which oil becomes available under a royalty oil contract. Certification could be in the form of a notarized statement referencing a current permit to operate from the State or local environmental control agency. We will confirm the operating status of the applicant's refinery with the U.S. Department of Energy and/or the U.S. Small Business Administration as appropriate. We will terminate the royalty oil contract if operations do not begin by the first month in which oil becomes available.

In addition, we will disallow multiple applications from two or more refiners who are affiliated through common ownership or control. Such refiners will be limited to one allotment in the allocation of royalty oil.

An otherwise eligible refiner will not be permitted to participate in the sale if, at the time of the sale, that refiner is in arrears on payments owed to MMS.

Application Procedures

Applications must be filed on Form MMS–4070, Application for the Purchase of Royalty Oil. The application must be complete and timely filed. We will reject any improperly completed or late application and any application from a refiner who does not meet the eligibility criteria established in this Notice.

Applicants are advised that the Federal Oil and Gas Royalty Management Act of 1982, as amended, 30 U.S.C. 1701, *et seq.*, provides civil and criminal penalties for false or inaccurate reporting. Applicants are also cautioned to provide adequate detail on each item in the application to preclude rejection of the application from further consideration. Any questions concerning the application should be directed to the contact listed in the ''For Further Information Contact'' section.

We will provide an information package to each eligible refiner who files a timely application. This package will contain:

1. Sale arrangements and procedures;

2. Lease locations and approximate quantity and quality of royalty oil to be offered from each lease;

3. A statement on the contract award processes, surety requirements, and imbalance procedures;

4. A copy of the Federal royalty oil contract; and

5. A copy of the regulations governing royalty-in-kind sales.

Sale Information

Approximately 20,000 barrels of royalty oil per day from selected Federal leases in the Pacific region and 80,000 barrels per day in the Gulf of Mexico region will be offered for sale to qualified applicants. We will have a separate offering for each region at the sale.

Royalty oil will be sold based on a competitive bidding process. The bid proposal will be based on formulas representing spot market prices with premiums added or deductions subtracted. Royalty oil will be sold in lease bundles representing groups of leases, oil types, and Facility Measurement Points. Refiners will be required to select the entire bundle.

The highest bidder will be notified by phone or e-mail and provided a list of properties from which to choose. After the highest bidder selects his/her properties, the list of remaining properties will be provided to the next highest bidder. This process is continued until all the oil is selected or the minimum bid threshold is met.

In the event that an applicant who has participated in the allocation process does not execute his/her contract, or in the event substantial quantities of royalty oil sold in this eligible lease sale are subsequently turned back to MMS, we may reallocate such oil. However, only those refiners who hold ongoing contracts from this sale will be allowed to participate in any reallocation, and then only if they continue to meet eligibility requirements as set forth in this Notice and 30 CFR part 208 (1999). Questions concerning these allocation and reallocation procedures should be directed to the contact listed in the ''For Further Information Contact'' section.

Surety Requirements

Applicants for royalty oil will be required to provide a surety instrument with their bid package. This surety instrument must be an MMS-specified surety such as a bond, irrevocable letter of credit, etc. The amount of the surety instrument must equal the value of 30 days of production that the refiner is bidding on. Once the contract is awarded, the surety must be increased to an amount equal to the estimated value of royalty oil that could be taken by the purchaser in a 99-day period. The increased surety must be received by December 17, 1999. All sureties must be in a form acceptable to MMS and must include any MMS-specified requirements to adequately protect the Government's interests. Sureties for unsuccessful bidders will be immediately returned to the financial institution. Upon termination of deliveries under the contract, we will reduce the amount of the surety in amounts proportionate to payments made by the refiner to fulfill payment obligations.

If the refiner provides a bond or a certificate of deposit as the surety, the bond or certificate of deposit must be effective for the entire term of the contract plus a 6-month reconciliation period. If the refiner furnishes a letter of credit as the surety, the letter of credit must be effective for a 1-year period beginning the first day the royalty oil contract is effective, with a clause providing for automatic renewal for a new 6-month period. The purchaser or surety company may elect not to renew the letter of credit at any monthly anniversary date but must notify MMS of the intent not to renew at least 30 days before the anniversary date. We may grant the purchaser 45 days to obtain a new surety. If no replacement surety is provided, we will terminate the contract effective at least 6 months before the expiration date of the letter of credit.

Financial institutions that furnish bonds must be listed in the U.S. Department of the Treasury's Circular 570. Those institutions that propose to furnish letters of credit and certificates of deposit must be chartered in the United States and must be acceptable to MMS.

Contract Terms

The royalty oil contracts will be effective January 1, 2000, and will have a 1-year term with an automatic evergreen clause subject to a 90-day termination notice.

Successful applicants who are awarded royalty oil contracts must process that royalty oil, or oil obtained in exchange for the royalty oil, in their refineries and may not resell it. If a refiner exchanges royalty oil for other crude oil to process in his/her refinery, the refiner must provide full information to us, including a copy of the exchange agreement within 30 days of the exchange agreement's effective date.

Authority

This sale is conducted under the provisions of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331, *et seq.*, and regulations at 30 CFR part 208.

Dated: September 15, 1999.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 99–24525 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 11, 1999. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by October 6, 1999.

Carol D. Shull,

Keeper of the National Register.

AMERICAN SAMOA

Tutuila Island, Eastern District

Breakers Point Naval Guns, Breakers Point, Lauli'i vicinity, 99001231

Eastern District

Lau'agae Ridge Quarry, Tula-Onenoa Rd., Tula vicinity, 99001227

FLORIDA

Dade County

Stiltsville, 1.5 mi. SW of southern tip of Key Biscayne, Key Biscayne vicinity, 99001226

IOWA

Black Hawk County

Wasson, Dr. Jesse, Building, 201 Main St., La Porte St., 99001239

Fayette County

First Baptist Church of West Union, Main And Vine Sts., West Union, 99001240

Story County

Bandshell Park Historic District, Bounded by Duff Ave., E. 5th St., E. 6th St., and Carroll Ave., Ames, 99001238

NEVADA

Mineral County

Sixth Street School, Sixth and C Sts., Hawthorne, 99001241

OHIO

Cuyahoga County

Fuller—Bramley House, 7489 Brecksville Rd., Independence, 99001242

TENNESSEE

Hamilton County

Chattanooga Plow Power House, 1533–1535 Chestnut St., Chattanooga, 99001243

Shelby County

Glenview Historic District (Residential Resources of Memphis MPS) Bounded by Souther RR, Lamar Ave., S. Parkway E., and Frisco RR, Memphis, 99001244

The 15 day comment period has been waived for the following resources:

COLORADO

Hinsdale County

Argentum Mining Camp (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001235
Capitol City Charcoal Kilns (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001236
Empire Chief Mine and Mill (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001237
Golconda Mine (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001234
Little Rome (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001233
Tellurium—White Cross Mining Camp (Hinsdale County Metal Mining MPS) Address Restricted, Lake City vicinity, 99001232

[FR Doc. 99–24474 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains From Gunnison County, CO in the Possession of the Colorado Historical Society, Denver, CO

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Gunnison County, CO in the possession of Colorado Historical Society, Denver, CO.

A detailed assessment of the human remains was made by Colorado Historical Society professional staff in consultation with representatives of the Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Tribe of the Ute Mountain Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation.

In 1999, human remains representing one individual were recovered during a housing construction project in Gunnison County, CO by the Colorado State Archeologist following notification of the Mount Crested Butte Police Department and the Gunnison County Coroner. No known individuals were identified. No associated funerary objects are present.

Based on the condition of the human remains and skeletal morphology, this individual has been identified as Native American from the historic period. Gunnison County, CO is part of the pre–1900 homeland of the present-day Ute Indian Tribe of the Uintah and Ouray Reservation, specifically the Uncompahgre Band (Taveewach).

Based on the above mentioned information, officials of the Colorado Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Colorado Historical Society have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Ute Indian Tribe of the Uintah and Ouray Reservation.

This notice has been sent to officials of the Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Tribe of the Ute Mountain Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Susan Collins, Colorado State Archeologist, Colorado Historical Society, 1300 Broadway, Denver, CO 80203; telephone: (303) 866-2736, before October 21, 1999. Repatriation of the human remains to the Ute Indian Tribe of the Uintah and Ouray Reservation may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24476 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and an Associated Funerary Object From South Dakota in the Possession of South Dakota State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and an associated funerary object from South Dakota in the possession of South Dakota State Archaeological Research Center, Rapid City, SD.

A detailed assessment of the human remains was made by South Dakota State Archaeological Research Center (SARC) professional staff in consultation with representatives of the Three Affiliated Tribes of North Dakota.

Between 1938 and 1954, human remains representing five individuals were recovered from the Mitchell Village and Mounds (39DV2) on the south bank of Firesteel Creek (now Lake Mitchell), Davison County, SD during excavations conducted by E.E. Meleen of the Smithsonian Institution, the Mitchell Lions Club, and the Works Progress Administration (WPA Project 3159); and a separate recovery in 1954 by Marvin Thome, Mitchell, SD. In 1998, four of these individuals were transferred from the W.H. Over Museum to SARC. Also in 1998, the individual recovered in 1954 was transferred from the University of Nebraska State Museum to SARC. No known individuals were identified. No associated funerary objects are present.

Based on manner of interment, these individuals have been identified as Native American. Based on architecture, artifact assemblage, radiocarbon dates, and ceramics from previous excavations, the Mitchell Village and Mounds have been identified as Initial Middle Missouri Tradition (900-1400 A.D.). Based on continuities of material culture, architecture, and skeletal morphology, in addition to oral tradition and historical evidence, the Mitchell Village and Mounds have been affiliated with the Mandan.

During the early 1930s, human remains representing three individuals were recovered from an earthlodge cache pit in Twelve Mile Creek Village and Mounds (39HT1) on the north bank

of South Fork Twelve Mile Creek, Hutchinson County, SD during non-professional excavations conducted by F. Robinson, Dr. J.J. Krall, and H. Hall, Tyndall, SD. These individuals were donated to F.C. Kratz, director of the Olivet Museum, and were later transferred to the University of South Dakota Museum-Vermillion (now the W.H. Over Museum). In 1997, these human remains were transfered to SARC. No known individuals were identified. No associated funerary objects are present.

In 1939, human remains representing two individuals were recovered from Twelve Mile Creek Village and Mounds (39HT1) on the north bank of South Fork Twelve Mile Creek, Hutchinson County, SD during WPA excavations conducted by E.E. Meleen, Smithsonian Institution, and W.H. Over, USD Museum. In 1998, these human remains were found in SARC collections. No known individuals were identified. The one associated funerary object is a coyote tooth.

Based on the manner of interment and the associated funeary object, these individuals have been identified as Native American. Based on the architecture, material culture, radiocarbon dates, and ceramics from the 1930-1939 excavations, the Twelve Mile Village and Mounds have been dated to the Lower James Phase of the Initial Middle Missouri Tradition (900-1350 A.D.). Based on continuities of material culture, architecture, and skeletal morphology, in addition to oral tradition and historical evidence, the Twelve Mile Village and Mounds have been affiliated with the Mandan.

In 1870, the Mandan, Hidatsa, and Arikara tribes were moved to the Fort Berthold Indian Reservation in North Dakota, and are now known collectively as the Three Affiliated Tribes of North Dakota.

Based on the above mentioned information, officials of the South Dakota State Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of ten individuals of Native American ancestry. Officials of the South Dakota State Archaeological Research Center have also determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the South Dakota State Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Three Affiliated Tribes of North Dakota.

This notice has been sent to officials of the Three Affiliated Tribes of North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary object should contact Renee Boen, Curator, State Archaeological Center, South Dakota Historical Society, P.O. Box 1257, Rapid City, SD 57709-1257; telephone: (605) 394-1936, before October 21, 1999. Repatriation of the human remains and associated funerary object to the Three Affiliated Tribes of North Dakota may begin after that date if no additional claimants come forward.

Dated: September 14, 1999.

Veletta Canouts,

Acting Departmental Consulting Archeologist,

Deputy Manager, Archeology and Ethnography Program.

[FR Doc. 99–24475 Filed 9–20–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

National Institute of Justice

[OJP(NIJ)–1250]

RIN 1121–ZB84

Announcement of the National Town Hall Meeting on Methamphetamine/ Fourth Meeting of the Methamphetamine Interagency Task Force

AGENCY: Office of Justice Programs, National Institute of Justice, Justice.

ACTION: Notice of Meeting.

SUMMARY: Announcement of National Town Hall Meeting on Methamphetamine and fourth meeting of Methamphetamine Interagency Task Force.

DATES: The meeting will be held on Tuesday, November 30, 1999, from 8:30 a.m. to 5:00 p.m., EDT, and Wednesday, December 1, 1999, from 8:30 a.m. to 10:30 a.m., EDT.

ADDRESSES: The meeting will take place in the Polaris Room at the Ronald Reagan Building/International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For information about how to attend this meeting or to submit written questions, contact Mark Jordan, National Institute of Justice, 810 7th Street, NW, Washington, DC 20531; Telephone (202) 305–7939 [This is not a toll free number]; Facsimile: (202) 616–0275; E-mail: jordanm@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION: The Methamphetamine Interagency Task Force, established pursuant to Section 3(2)A of the Federal Advisory Committee Act, 5 U.S.C. App. 2, will meet to carry out its advisory functions under Sections 201–202 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The meeting will allow Federal, State, and local law enforcement officials, public health officials, educators, drug treatment providers, and researchers to provide the Task Force with feedback on an implementation plan for a national strategy addressing methamphetamine in the United States.

The meeting will be open to the public on a space-available basis. You must make reservations if you want to attend. You should make a reservation no later than Monday, November 15, 1999, so that we can make proper seating arrangements. See the contact person listed above to reserve a space and to advise us of any special needs. When you arrive, you must present a photo ID in order to gain admittance. If you wish to submit written questions to this session, you should notify the contact person listed above by Monday, November 15, 1999. You must submit your name, affiliation, and contact information (address or telephone number) with your questions.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 99–24546 Filed 9–20–99; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,668]

Burlington Industries, Incorporated, Stonewall Cutting Plant, Stonewall, MS; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999 in response to a worker petition which was filed on behalf of workers at Burlington Industries, Stonewall Cutting Plant, Stonewall, Mississippi.

An active certification covering the petitioning group of workers remains in effect (TA–W–35,631). Consequently, further investigation in this case would

serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 9th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24473 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,662]

Diversified Trucking Corporation, a Former Roadmaster Company, Olney, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999 in response to a worker petition which was filed on behalf of workers at Diversified Trucking Corporation, a former Roadmaster Company, located in Olney, Illinois.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 26th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24472 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,673]

Fina Oil & Chemical Co., Houston, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 9, 1999, in response to a petition filed on behalf of workers at Fina Oil & Chemical Co., Houston, Texas.

A certification applicable to the petitioning group of workers employed at Fina Oil & Chemical Co., Houston, Texas, was issued on July 13, 1999 and is currently in effect (TA–W–36,252A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 27th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24471 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,106 and TA–W–36,106A]

Funtime Sportswear, Inc., Lansford, PA; Moscow, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 as amended (19 U.S.C. 2273) the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on July 8, 1999 applicable to all workers of Funtime Sportswear, Inc. located in Lansford, Pennsylvania. The notice was published in the **Federal Register** on August 11, 1999 (64 FR 43723).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations occurred at the Moscow, Pennsylvania location of Funtime Sportswear, Inc. when it closed in April 1999. The workers were engaged in employment related to the production of sports bras and ladies' exercise shorts.

Accordingly, the Department is amending the certification to cover workers at the Funtime Sportswear, Inc., Moscow, Pennsylvania location.

The intent of the Department's certification is to include all workers of Funtime Sportswear, Inc. adversely affected by increased imports.

The amended notice applicable to TA–W–36,106 is hereby issued as follows:

All workers of Funtime Sportswear, Inc., Lansford, Pennsylvania (TA–W–36,106) and Moscow, Pennsylvania (TA–W–36,106A) who became totally or partially separated from employment on or after April 12, 1999 through July 8, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of August, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24468 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,768]

Funtime Sportswear, Inc., Moscow, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 30, 1999 in response to a worker petition which was filed on behalf of workers at Funtime Sportswear, Moscow, Pennsylvania.

An active certification covering the petitioning group of workers is already in effect (TA–W–36,106A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 31st day of August, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24470 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the

subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1999.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

Appendix

[Petitions instituted on 8/23/1999

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,714	International Playing (GCIU)	Rogersville, TN	08/12/1999	Labels for Tobacco Products.
36,715	Dalei Fashion/Dani Max (Wrks)	New York, NY	06/09/1999	Dresses.
36,716	Philadelphia Glass (UE)	Philadelphia, PA	08/12/1999	Bending of Glass.
36,717	L.M. Rabinowitz and Co (Wrks)	Brooklyn, NY	08/11/1999	Hook and Eyes for Bras.
36,718	Aquatech, Inc. (Comp)	Cookeville, TN	07/28/1999	Garment Finishing (Commercial Laundry).
36,719	Aquatech, Inc (Wrks)	Cleveland, TN	01/07/1999	Garment—Dyed, Stonewashed.
36,720	Blue Fish Clothing, Inc. (Comp)	Frenchtown, NJ	08/06/1999	Printed Women's Clothing.
36,721	Markco Machine Works (Wrks)	Odessa, TX	08/05/1999	Wellheads & Other Oilfield Equipment.
36,722	King Louis International (UFCW)	Baxter Springs, KS	08/13/1999	Baseball Jackets and Casualwear.
36,723	King Louis International (UFCW)	Adair, OK	08/13/1999	Baseball Jackets and Casualwear.
36,724	Graphic Research, Inc. (Comp)	Chatsworth, CA	08/13/1999	Printed Circuit Boards.
36,725	Corbin, Ltd (UNITE)	Ashland, KY	08/02/1999	Suitcoats.
36,726	Lone Star Mud, Inc (Comp)	Midland, TX	08/05/1999	Oil and Gas Drilling Fluids.
36,727	Methode East (Comp)	Willingboro, NJ	08/11/1999	Printed Circuit Boards.
36,728	Wellman, Inc. (Comp)	Johnsonville, SC	08/06/1999	Wool and Wool Blend Yarn.
36,729	Garan, Inc. (Wrks)	Adamsville, TN	08/06/1999	Boy's, Girl's and Toddler Turtlenecks.
36,730	Ray Ban Sun Optics (Comp)	Rochester, NY	08/11/1999	Sunglasses.
36,731	Stone Manufacturing Co (Wrks)	Johnston, SC	08/11/1999	Boxer Shorts.
36,732	F.G. Montabert Co (UFCW)	Midland Park, NJ	04/20/1999	Woven Labels for Clothing.
36,733	Pabst Engineering (Wrks)	Onalaska, WI	08/02/1999	Special Tooling.
36,734	Jennings Manufacturing Co (Comp)	Jennings, IA	08/10/1999	Men's Dress Slacks.
36,735	Makino, Inc. (IEO)	Mason, OH	08/02/1999	Various Machine Tools.
36,736	Water Valley Mfg. (Comp)	Water Valley, MS	08/09/1999	Denim Jans.
36,737	Sikorsky Aircraft (IBT)	Stratford, CT	07/06/1999	Helicopters.
36,738	ALM Antillean Airline (Wrks)	Miami, FL	08/09/1999	Airline Reservations
36,739	Turnkey International (Wrks)	Durham, NC	08/12/1999	Computer Monitors.
36,740	Animas Public Schools (Wrks)	Animas, NM	07/20/1999	Teachers and Teacher Aids.
36,741	Greenwood Mills (Comp)	Greenwood, SC	07/26/1999	Yarn and Weaved Fabric.
36,742	John Crane, Inc (Comp)	Crystal Falls, MI	08/11/1999	Automotive Seals.
36,743	Universal Music Group (ILGP)	Pinckneyville, IL	08/11/1999	Recycled CD's Viedo's.
36,744	Datacard FS (Wrks)	Minnetonka, MN	08/11/1999	Point of Sale Transaction Terminals.
36,745	Muskin Leisure Products (IUE)	Wilkes Barre, PA	08/13/1999	Above Ground Swimming Pools.
36,746	Mark Thompson Co. (The) (Comp)	Graham, TX	08/10/1999	Oil
36,747	Enron Oil and Gas (Wrks)	Corpus Christi, TX	08/11/1999	Crude Oil and Natural Gas.
36,748	Capitan Corp (Wrks)	Odessa, TX	08/12/1999	Wireline Logging and Perforating Services.
36,749	Midwestern Oilfield Serv. (Comp)	Tioga, ND	08/17/1999	Oil.
36,750	Ancor Services, Inc. (Wrks)	Kilgore, TX	08/09/1999	Oil and Gas Well Services.
36,751	CGG–TLC Data Processing (Wrks)	Richardson, TX	08/13/1999	Process Oil and Gas Exploration Data.

[FR Doc. 99–24467 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–33,618]

Economy Color Card Co., Inc., Now Known as International Service Group, Home Furnishings Division, Elizabeth, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 18, 1997, applicable to workers of Economy Color Card Co., Inc., Elizabeth, New Jersey. The notice was published in the **Federal Register** on September 4, 1997 (62 FR 46775).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of sample books of wallpaper and fabrics. The State reports that in January, 1998 Economy Color Card Co., Inc. was purchased by International

Service Group. The Elizabeth, New Jersey location of International Service became known as the Home Furnishing Division and continues to layoff workers.

Accordingly, the Department is amending the certification determination to correctly identify the new ownership to read ''Economy Color Card Co., Inc. now known as International Service Group, Home Furnishing Division,'' Elizabeth, New Jersey, and provide coverage to those workers producing sample books of wallpaper and fabrics.

The intent of the Department's certification is to include all workers of Economy Color Card Co., Inc. now known as International Service Group, Home Furnishing Division who were adversely affected by increased imports.

The amended notice applicable to TA–W–34,618 is hereby issued as follows:

All workers of Economy Color Card Co., Inc., now known as International Service Group, Home Furnishing Division, Elizabeth, New Jersey engaged in employment related to the production of sample books of wallpaper and fabrics, who became totally or partially separated from employment on or after June 10, 1996 through July 18, 1999, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of September, 1999.

Edward A. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–24469 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Disability Employment Grant Program: Proposed Collection; Comment Request

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation process to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This process helps to ensure that requested data can be provided in the desired format, reporting burdens are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the reporting requirements for the Disability Initiatives Employment Grant Program for the FY 2000 funding period. The reports submitted for comment include the quarterly Activity and Placement Report (APR) and annual Participant Characteristics Report (PCR).

DATES: Written comments must be submitted to the office listed in the **ADDRESSEE** section below on or before November 23, 1999, 60 days after date of publication in the **Federal Register**.

ADDRESSEE: Alexandra K. Kielty, Chief, Disability Employment and Initiatives Unit, Room N–4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219–5500 ext 125 (VOICE) or (202) 219–6338 (FAX) (these are not toll-free numbers) or Email: akielty@doleta.gov

SUPPLEMENTARY INFORMATION:

I. Background

The Employment and Training Administration of the Department of Labor is considering implementing reporting requirements for the Disability Employment Grant Program for the fiscal years 1999 and 2000. Reporting impacts 15 grants for the last two years of a three year grant cycle which began July 1, 1998. The grants are awarded for one year plus two option years. These reports will also be used for similar disability related grants administered by ETA.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate for the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The proposed Information Collection Request establishes reporting requirements for this discretionary grant program which is funded under Job Training Partnership Act (JTPA) Title III and IV appropriations. The Activity and Placement Report (APR) includes information of the number of participants being served, activities and services provided, and planned outcomes. The Participant Characteristics Report (PCR) covers information on age, race, educational level and types of disability.

Paperwork burden are included in the following paperwork burden estimates. For ease of analysis, the burden estimate is presented separately for each report. In addition to these reports, grantees are required to provide a quarterly Financial Status Report (FSR), SF 269 which is approved under OMB Clearance #*0348–0039*.

Type of Review: Initial OMB Approval.

Agency: Employment and Training Administration.

Title: Disability Initiatives Employment Grant Program.

OMB Number: None.

Catalog of Federal Domestic Assistance Number: 17.248.

Frequency: Quarterly for Activity and Placement Report (APR) Annually for participant Characteristic Report (PCR).

Affected Public: National organizations that engage in employment and training services for people with disabilities to obtain competitive employment under grants awarded by the Department of Labor.

Number of Respondents: 15.

Total Responses: 75; 15 respondents × 4 Quarterly Reports=60 + (15 respondents × 1 annual report) = 75 Annual Responses.

Estimated Time Per Respondent: 100 Hours; 20 Hours × 4 APRs+(20hrs.PCR) = 100hrs.per respondent.

Total Burden Hours: 1,050 hr. (Note: Estimate is based on having 20 respondents).

Total Burden Cost (capital/startup): $0.00.

Total Burden Cost (operating/maintaining): $1,890.00.

Description: This OMB Approval application concerns the submission of the Activity and Placement Report (APR) and the Participant Characteristic Report (PCR) to the disAbility Employment Initiative Grant Programs which gives partial funds to National organizations that engaged in

employment training and services for people with disabilities to obtain competitive employment. The Activity and Placement Report (APR) gives the number of participants being served, activities and services provided, and placement outcomes. The Participant Characteristics Report (PCR) gives participant information in age, race, type of disAbility, etc. These funds are taken from the Job Training and Partnership Act (JTPA) Title III and IV. Under Title III of JTPA there is a requirement to have grantees complete quarterly an Activity Placement Report (APR) [29 U.S.C. 1732(2)(c)(III)] and a Standard Form 269 (SF–269). A Participant Characteristic Report (PCR) is submitted annually to provide an overview of participants that were served during the program year [29 U.S.C. 1732(2)(c)(III)]. Respondents submit a narrative as part of the quarterly report package. The narrative states activities of the participants in the organization during the previous three months.

Signed at Washington, DC this 15th day of September, 1999.

Anna W. Goddard,

Director, Office of Special Targeted Programs.

[FR Doc. 99–24524 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collections of form C–910, Request to be Selected as Payee. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 25, 1999.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339 (this is not a toll-free number), 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Request To Be Selected as Payee

I. Background

Benefits are payable by the Department of Labor to coal miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner under the Federal Mine Safety and Health Act of 1977, as amended. If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for his/her care is required to apply to receive the benefit payments on the beneficiary's behalf. The CM–910, Request to be Selected as Payee, is the form completed by representative payee applicants.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to assess the applicant's ability to undertake the responsibilities of a representative payee.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Request to Be Selected as Payee.

OMB Number: 1215–0166.

Agency Number: CM–910.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit institutions; State, Local or Tribal government.

Total Respondents: 2,350.

Frequency: One time.

Total Responses: 2,350.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 783.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $846.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 14, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 99–24466 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on the Benefit Implications Due to the Growth of a Contingent Workforce Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what the benefit implications are due to the growth of a contingent workforce will hold an open public meeting on Tuesday, October 5, 1999, in Room N3437 A–B, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to begin drafting its

report for the Secretary of Labor and, if warranted, to receive testimony from additional witnesses.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentation will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, D.C. this 15th day of September, 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24521 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Exploring the Possibility of Using Surplus Pension Assets To Secure Retiree Health Benefits Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Tuesday, October 5, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to explore the possibility of using surplus pension assets to secure retiree health benefits.

The session will take place in Room N–3437 A–B, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210. The purpose of the open meeting, which will run from 1:00 p.m. to approximately 3:30 p.m., is for working group members to formulate recommendations for the committee's report, due for completion by the end of the Advisory Council year on November 14.

Members of the Public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, D.C. this 15th day of September 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24522 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group Studying Issues Surrounding the Trend in the Defined Benefit Plan Market With a Focus on Employer-Sponsored Hybrid Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Wednesday, October 6, 1999, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study issues surrounding trends in the defined benefit market with a focus on employer-sponsored hybrid plans.

The purpose of the open meeting, which will run from 9:00 a.m. to approximately 1:00 p.m. in Room N–3427 A–B, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210, is for working group members to conclude taking testimony on account balance plans and to begin drafting its report for the Secretary of Labor.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 28, 1999, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 28, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 28.

Signed at Washington, DC this 15th day of September, 1999.

Richard McGahey,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 99–24523 Filed 9–20–99; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–20, issued to the Consumers Energy Company (the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

The proposed amendment would represent a full conversion from the current Technical Specifications (CTS)

to a set of improved Technical Specifications (ITS) based on the Improved Standard Technical Specifications (ISTS) in NUREG–1432, ''Standard Technical Specifications, Combustion Engineering Plants,'' Revision 1, dated April 1995. The ISTS in NUREG–1432 have been developed through working groups composed of both NRC staff members and industry representatives, and have been endorsed by the NRC staff as part of an industry-wide initiative to standardize and improve the technical specifications for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's ''Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors'' (Final Policy Statement), published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG–1432 as a basis, developed a proposed set of ITS for Palisades. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, ''Technical Specifications,'' in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1432 and do not involve technical changes to the CTS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1432 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1432 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in technical specifications. Relocated changes are those CTS requirements that do not satisfy or fall within any of the four criteria specified in the Final Policy Statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in its January 26, 1998, application. The affected structures, systems, components, or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the CTS to administratively controlled documents such as the Final Safety Analysis Report (FSAR), the ITS Bases, the Operating Requirements Manual (ORM), or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate and acceptable change control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG–1432 that the licensee proposes to retain in the ITS, the licensee has provided an explanation of why it has concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant less restrictive requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the technical specifications may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of Owners Groups' comments on the ISTS. Generic relaxations contained in NUREG–1432 were reviewed by the NRC staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design information will be reviewed to determine if the specific design and licensing bases are consistent with the technical bases for the model requirements in NUREG–1432, thus providing a basis for the ITS, or if relaxation of the requirements in the CTS is warranted based on the justifications provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different from the requirements in both the CTS and the ISTS. These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS 3.0.3 and related specifications that specify time to reach MODE 4: The CTS do not include an equivalent classification to ISTS MODE 4. To maintain consistency with the ISTS, the licensee proposed a definition for MODE 4 and a time limit to reach the new MODE 4. The proposed time limit is greater than the time limit in the ISTS.

2. ITS 3.3.1: The frequency of the channel functional test associated with certain reactor protective system and engineered safety features instrumentation was proposed to be increased from 31 to 92 days.

3. ITS 3.4.1: The CTS require restoration of reactor inlet temperature within 30 minutes if the temperature limit is exceeded. The proposed ITS would require the primary coolant system (PCS) cold leg temperature (equivalent to the CTS reactor inlet temperature) and additional specified parameters to be restored to within the specified limits within 2 hours.

4. ITS 3.4.1: The proposed ITS surveillance requirement regarding verification of PCS total flow rate differs from the ISTS by allowing additional methods of flow measurement other than the ''precision heat balance'' specified in the ISTS to be used.

5. ITS 3.4.6: The proposed ITS actions for PCS loops while in MODE 4 contain several wording deviations from the ISTS.

6. ITS 3.4.10: The proposed ITS applicability modes for pressurizer

safety valves differ from both the ISTS and the CTS.

7. ITS 3.4.14: The proposed ITS requirements for isolation valves in high pressure lines with an inoperable pressure isolation valve differ from both the ISTS and the CTS.

8. ITS 3.5.3: The CTS does not contain any ECCS requirements when the reactor is not critical. The proposed ITS requirements differ from those in the ISTS.

9. ITS 3.6.6, 3.7.5, 3.7.7, and 3.7.8: The proposed requirements for the containment cooling, auxiliary feedwater, component cooling water, and service water systems differ from both the CTS and ISTS. The proposed specifications would permit one or more trains of these systems to be inoperable, provided the systems are capable of providing at least 100 percent of the required flow or cooling capacity. This approach is similar to ISTS 3.5.2.

10. ITS 3.7.12: The proposed applicability requirements for the fuel handling area ventilation system differ from both the CTS and ISTS.

11. ITS 3.8.4: The proposed action requirements for DC electrical sources differ from both the CTS and ISTS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 21, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423–3698. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (l)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 26, 1998, as supplemented April 30, September 14, October 12, and November 9, 1998, and March 1, March 22, March 30, April 7, May 3, June 4, June 11, June 17, July 19, and July 30, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423–3698.

Dated at Rockville, Maryland, this 15th day of September 1999.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–24574 Filed 9–20–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24015; No. 812–11624]

Evergreen Variable Annuity Trust, et al.; Notice of Application

September 15, 1999.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an amended order pursuant to Section 6(c) of the Investment Company Act of 1940 (''Act'') granting relief from Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Summary of Application

Applicants seek an amended order to permit shares of any current or future series of the Evergreen Variable Annuity Trust (''Trust'') and shares of any other investment company that is designed to fund insurance products or to serve as an investment vehicle for qualified pension and retirement plans and for which Evergreen Asset Management Corp. (''Evergreen Asset'') or any of its affiliates may now or in the future serve as investment adviser, administrator, manager, principal underwriter or sponsor (the Trust and such other investment company are hereinafter referred to collectively as the ''Funds'') to be sold and held by the investment adviser of any Fund (the ''Adviser'' and, collectively, the ''Advisers'') or any of the Adviser's affiliates.

Applicants

Evergreen Variable Annuity Trust and Evergreen Asset Management Corp.

Filing Date

The application was originally filed on May 21, 1999, and amended and restated on July 30, 1999.

Hearing and Notification of Hearing

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing the Secretary of the SEC and serving Applicants with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1999, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, c/o Sullivan & Worcester, LLP, 1025 Connecticut Avenue, NW, Washington, DC 20036, Attention: Robert N. Hickey, Esq.

FOR FURTHER INFORMATION CONTACT: Michael D. Pappas, Senior Counsel, or Susan M. Olson, Branch Chief, Office of Insurance Products, Division of Investment Management at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102, (202–942–8090).

Applicant's Representations

1. The Trust was organized in June 1994 as a Massachusetts business trust and is registered as an open-end management investment company under the Act. The Trust was reorganized as a Delaware business trust on April 30, 1998. The Trust consists of separately managed series and additional series of the Trust may be created in the future.

2. Evergreen Asset serves as Adviser for certain of the Trust's series. Evergreen Asset is a wholly-owned subsidiary of First Union National Bank of North Carolina (''FUNB''). FUNB and certain of its other investment advisory affiliates serve as Advisers to certain funds or series of the Trust. FUNB is a national bank, which is a wholly-owned subsidiary (except for director's qualifying shares) of First Union Corporation, the sixth largest bank holding company in the nation (based on June 30, 1999 total assets). Evergreen Asset is registered under the Investment Advisers Act of 1940.

3. Shares of the Funds are currently offered to separate accounts of various unaffiliated insurance companies to serve as the investment medium for variable annuity contracts and variable life insurance policies issued by such companies (''Participating Insurance Companies''). Shares of the Funds also may be offered to qualified pension and retirement plans outside the separate account context (''Qualified Plans''). In addition, shares of a Fund may also be offered to an Adviser or an affiliate of the Adviser for the purposes of providing necessary capital required by Section 14(a) of the Act or for other investment purposes, in compliance with Treasury Regulation 1.817–5(f)(3).

4. On March 5, 1996, the Commission issued an order granting relief with respect to shares of the Funds to be sold to and held by (a) variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated Participating Insurance Companies and (b) Qualified Plans (Investment Company Act Release No. 21806, File No. 812–9856) (the ''Original Order''). The Applicants incorporated by reference into their application the Application for the Original Order and any amendments thereto, the Notice of Application for the Original Order and the Original Order.[1]

5. The Original Order did not address the sale of shares of the Funds to the Advisers or their affiliates in compliance with Treasury Regulation 1.817–5(f)(3) representing seed money or other investments in a Fund. Applicants propose that the Funds be permitted to offer and sell their shares to Advisers and their affiliates in compliance with Treasury Regulation 1.817–5(f)(3).

Applicants' Legal Analysis

1. Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act or the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission issue an amended order pursuant to Section 6(c) of the Act for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) (and any comparable rule) thereunder, respectively, to the extent necessary to permit shares of the Funds to be sold to and held by the Funds' Advisers or any of its affiliates in compliance with Treasury Regulation

[1] Applicants represent that all of the facts asserted in the Application for the Original Order and any amendments thereto remain true and accurate in all material respects to the extent that such facts are relevant to any relief on which Applicants continue to rely.

1.817–5(f)(3) (representing seed money or other investments in the Funds).

3. In connection with scheduled premium variable life insurance contracts issued through a separate account registered under the Act as a unit investment trust, Rule 6e–2(b)(15) provides partial exemptions from Section 9(a) and from Sections 13(a), 15(a) and 15(b) of the Act to the extent that those Sections have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying investment company's shares. The exemptions granted to a separate account by Rule 6e–2(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered managed investment companies which offer their shares *exclusively* to variable insurance separate accounts of the life insurer or any affiliated life insurance company. Therefore, the relief provided by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an investment company that also offers its shares to a variable annuity separate account or a flexible premium variable life insurance separate account of the insurer or of any affiliated insurance company (mixed funding). In addition, the relief granted by Rule 6e–2(b)(15) is not available if the shares of the underlying investment company are offered to variable life insurance separate accounts of unaffiliated insurance companies (shared funding).

4. Moreover, because the relief under Rule 6e–2(b)(15) is available only where shares of the investment company are offered *exclusively to separate accounts*, exemptive relief is necessary if the shares of the Funds are also to be sold to the Advisers or their affiliates.

5. In connection with flexible premium variable life insurance contracts issued through a separate account registered under the Act as a unit investment trust, Rule 6e–3(T)(b)(15) provides partial exemptions from Section 9(a) and from Sections 13(a), 15(a) and 15(b) of the Act to the extent those Sections have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying investment company's shares. The exemptions granted to a separate account by Rule 6e–3(T)(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares exclusively to separate accounts of the life insurer, or any affiliated life insurance company, offering either scheduled premium variable life insurance contracts or flexible premium variable life insurance contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or an affiliated life insurance company. Therefore, Rule 6e–3(T)(b)(15) permits mixed funding for a flexible premium variable life insurance separate account under certain circumstances. The rule does not, however, permit shared funding, because relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of an investment company that also offers its shares to separate accounts (including flexible premium variable life insurance separate accounts) of unaffiliated insurance companies.

6. Because the relief under rule 6e–3(T)(b)(15) is available only where shares of the investment company are offered exclusively to separate accounts, exemptive relief is necessary if the shares of the Funds are also to be sold to the Advisers or their affiliates.

7. Applicants assert that the relief granted by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) is in no way affected by the purchase of the Funds' shares by Advisers or their affiliates. However, in that relief under Rules 6e–2(b)(15) and 6e–3(T)(b)(15) is available only where shares are offered exclusively to separate accounts, it is Applicants' concern that additional exemptive relief may be necessary if the shares of the Funds are also to be sold to Advisers or their affiliates. Applicants therefore request relief in order to have the Participating Insurance Companies enjoy the benefits of the relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15). Applicants assert that if the Funds were to sell shares only to Advisers or their affiliates and/or separate accounts funding variable annuity contracts, no exemptive relief would be necessary. None of the relief provided for in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) relates to Advisers or their affiliates, or to a registered investment company's ability to sell its shares to such purchasers. It is only because some of the separate accounts that may invest in the Funds may themselves be investment companies that rely upon Rules 6e–2 and 6e–3(T) and that desire to have relief continue in place, that the Applicants are applying for the requested relief.

8. In addition to permitting sales of a Fund's shares to Participating Insurance Companies and Qualified plans, Treasury Regulation 1.817–5(f)(3) permits, subject to certain conditions, a Fund to sell shares to the Adviser and its affiliates.

9. The promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the Act preceded the issuance of the Treasury Regulation. Thus, the sale of shares of the same investment company to separate accounts, through which variable life insurance contracts are issued, and to the Adviser or its affiliates was not contemplated at the time of the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

10. Applicants believe that there is no regulatory purpose in extending the monitoring requirements of Section 9(a) of the Act because the Funds may sell their shares to an Adviser or its affiliate. Rules 6e–3 and 6e–3(T) provide relief from the eligibility restrictions of Section 9(a) only for officers, directors or employees of Participating Insurance Companies or their affiliates. The eligibility restrictions of Section 9(a) will still apply to any officers, directors or employees of the Adviser or an affiliate who participate directly in the management or administration of a Fund. Furthermore, there is no reason why the monitoring requirements should extend to all officers, directors and employees of Participating Insurance Companies and their affiliates simply because the Funds sell certain shares to an Adviser or its affiliate. This monitoring would not benefit contract owners and Qualified Plan participants and would only increase costs, thus reducing net rates of return.

11. With respect to ''pass-through'' voting requirements of Sections 13(a), 15(a) and 15(b) of the Act and the partial exemptions therefrom provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15), Applicants believe that the exercise of voting rights by the Advisers and their affiliates do not present the type of issues respecting the disregard of voting rights that are presented by variable contract separate accounts. Applicants have concluded that the inclusion of Advisers and their affiliates as eligible shareholders should not increase the risk of irreconcilable material conflicts among shareholders. Any Adviser or its affiliate that purchases Fund shares will agree to vote its shares of the fund in the same proportion as all contract owners having voting rights with respect to that Fund or in such other manner as may be required by the Commission or its staff. Therefore, the Applicants believe that allowing Advisers and their affiliates to purchase shares of the Funds should not increase the opportunity for conflicts of interest.

12. Applicants argue that the ability of the funds to sell their shares directly to Advisers and their affiliates does not

create a ''senior security'' as such term is defined in Section 18(g) of the Act, with respect to any contract owner or Qualified Plan participant as opposed to an Adviser or its affiliate. Each shareholder has rights only with respect to its respective shares of the Funds. Shareholders can only redeem such shares at their net asset value. No shareholder of any of the funds has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

13. Applicants assert that permitting a Fund to sell its shares to an Adviser of a Fund or to an affiliate of an Adviser, in compliance with Treasury Regulation 1.817–5(f)(3) will enhance Fund management without raising significant concerns regarding irreconcilable material conflicts. Section 14(a) of the Act generally requires that an investment company have a net worth of at least $100,000 upon making a public offering of its shares. Funds also will require more limited amounts of initial capital in connection with the creation of new series and the voting of initial shares of such series on matters requiring the approval of shareholders. In addition, the funds may wish to purchase a substantial portfolio of securities upon commencement of operations and will require capital to do so. A potential source of the requisite initial capital is an Adviser or an affiliate. These parties may have an interest in making the requisite capital expenditure, and in participating with the fund in its organization. However, Applicants submit that the provision of seed capital or the purchase of shares in connection with the management of a Fund by its Adviser or an affiliate of the Adviser may be deemed to violate the exclusivity requirements of Rule 6e–2(b)(15) and/or Rule 6e–3(T)(b)(15).

14. Applicants anticipate that such investment by an Adviser or its affiliate generally will be limited in scope and duration, and will be made only in connection with the operation of the Funds. Given the conditions of Treasury Regulation 1.817–5(f)(3) as described herein and the harmony of interest between a Fund, on the one hand, and its Adviser, on the other, Applicants assert that little incentive for overreaching exists. Furthermore, such limited investments should not implicate the concerns discussed above regarding the creation of irreconcilable material conflicts. Instead, permitting investment by Advisers or their affiliates will permit the orderly and efficient creation and operation of Funds, or series thereof, and reduce the expense and uncertainty of using outside parties at the early stages of Fund operations. The return on shares held by an Adviser or its affiliate will be calculated in the same manner as for shares held by a separate account. Any shares of a Fund purchased by the Adviser or its affiliate will be automatically redeemed if and when the Adviser's investment advisory agreement terminates, to the extent required by applicable Treasury Regulations. Neither the Adviser nor its affiliate will sell such shares of the Fund to the public.

Applicants' Conditions

Applicants have consented to the following conditions, in addition to the conditions set forth in the Original Order:

1. The Adviser or an affiliate, all Participating Insurance Companies and any Qualified Plan that executes a fund participation agreement upon becoming the owner of 10% or more of the shares of a Fund (''Participating Plan'') will be promptly informed in writing of any determination of the Board of Trustees of the Trust that an irreconcilable material conflict exists, and its implications.

2. As long as the Commission interprets the Act to require ''pass-through'' voting privileges for contract owners, whose contracts are funded through a separate account, an Adviser, or if applicable, any of its affiliates, will vote its shares of any Fund in the same proportion as all variable contract owners having voting rights with respect to the Fund; provided, however, that the Adviser or any such affiliate shall vote its shares in such other manner as may be required by the Commission staff.

3. All reports of potential or existing conflicts received by the Board of Trustees of the Trust, and all Board action with regard to determining the existence of a conflict, notifying the Adviser or any of its affiliates, Participating Insurance Companies and Participating Plans of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

Conclusion

For the reasons set forth above. Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24548 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24014; 812–648]

Stein Roe Floating Rate Income Fund, et al., Notice of Application

September 15, 1999.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c–3 under the Act, and pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

Summary of Application

Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares, and impose asset-based distribution fees and early withdrawal charges.

Applicants

Stein Roe Floating Rate Income Fund (the ''Trust'' or a ''Fund''), Stein Roe Advisor Floating Rate Advantage Fund (the ''Floating Rate Fund'' or a ''Fund'' and together with the Trust, the ''Funds''), Stein Roe Floating Rate Limited Liability Company (the ''Portfolio''), Stein Roe & Farnham Incorporated (the ''Adviser''), Liberty Funds Distributor, Inc. (the ''Distributor''), and Colonial Management Associates, Inc. (the ''Administrator'').

Filing Dates

The application was filed on June 9, 1999 and amended on August 27, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request,

personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 12, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609; Applicants, One Financial Center, Boston, MA 02111.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 942–0574, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Each Fund is organized as a Massachusetts business trust. The Trust is, and the Floating Rate Fund will be, registered under the Act as closed-end management investment companies. The Portfolio is organized as a Delaware limited liability company, and is registered under the Act as a closed-end management investment company.

2. The Adviser, registered under the Investment Advisers Act of 1940 (''Advisers Act''), has overall responsibility for the management of the Funds and serves as investment adviser to the Portfolio and will serve as investment adviser to the Floating Rate Fund. The Distributor, a broker-dealer registered under the Securities Exchange Act of 1934, distributes each Fund's shares. The Administrator is registered under the Advisers Act and serves as administrator to the Floating Rate Fund. Each of the Adviser, the Distributor, and the Administrator is an indirect wholly-owned subsidiary of Liberty Financial Companies, Inc., which is a majority-owned subsidiary of Liberty Mutual Insurance Company. Applicants request that the order also apply to any other registered closed-end investment company for which the Administrator, the Adviser or the Distributor or any entity controlling, controlled by, or under common control with the Administrator, the Adviser or the Distributor acts as investment adviser or principal underwriter.[1]

3. Each Fund's investment objective is to provide a high level of current income, consistent with the preservation of capital. The Trust operates as a feeder fund in a master/feeder structure and invests all of its net investable assets in the Portfolio, a master fund with the same investment objective and policies as the Trust. The Portfolio does, and the Floating Rate Fund will, invest primarily in senior secured floating or variable rate loans made by commercial banks, investment banks and finance companies to commercial and industrial borrowers (''Loans''). Under normal market conditions, at least 80% of each of the Portfolio's and the Floating Rate Fund's total assets will be invested in Loans. Up to 20% of each of the Portfolio's and the Floating Rate Fund's total assets may be invested in high quality, short-term debt securities with remaining maturities of one year or less and warrants, equity securities and, in limited circumstances, junior debt securities acquired in connection with investments in Loans.

4. The Trust does, and the Floating Rate Fund intends to, continuously offer their shares to the public at net asset value. The Trust's shares are not, and the Floating Rate Fund's shares will not be, offered or traded in the secondary market and will not be listed on any exchange or quoted on any quotation medium. The Trust and the Portfolio do, and the Floating Rate Fund intends to, operate as an ''interval fund'' pursuant to rule 23c–3 under the Act and make periodic repurchase offers to their shareholders.

5. The Trust currently does not have multiple classes of shares. Applicants propose to structure each of the Funds as a multiple-class fund, with each class of shares having a different sales charge structure. Each Fund will offer four classes of shares: Class A Shares, Class B Shares, Class C Shares, and Class Z Shares. Class A Shares will be issued upon automatic conversion of Class B Shares, as described below, and also may be offered with a front-end sales load that may be waived in certain circumstances. Class B Shares will be offered with no front-end sales charge but will be subject to an early withdrawal charge (''EWC'') that declines over time to 0% after the end of the eighth year that a shareholder owns Class B Shares. Class B Shares will automatically convert to Class A Shares eight years from the date of purchase. Shareholders will not incur any sales charge on the conversion of Class B Shares to Class A Shares. Class C Shares will be offered with no front-end sales charge but will be subject to an EWC of 1% during the first three years that a shareholder owns Class C Shares. The Class B and Class C EWCs may be waived in certain circumstances. Class A, Class B and Class C Shares will be subject to an annual service fee of .25% of average daily net assets. In addition, Class A Shares will be subject to an annual distribution fee of .10% of average daily net assets. Each of Class B Shares and Class C Shares will be subject to an annual distribution fee of up to .75% of average daily net assets. The shares currently offered by the Trust will be designated Class Z Shares, and each Fund also will offer Class Z Shares that will be sold to institutional investors. Class Z Shares are not and will not be subject to distribution fees, service fees, front-end sales charges, or EWCs. Applicants represent that the service and distribution fees will comply with the provisions of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. (''NASD'') as if each Fund were an open-end investment company. Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale, as is required for open-end multi-class funds under Form N–1A.

6. All expenses incurred by a Fund will be allocated among the various classes of shares based on the net assets of a Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees (including transfer agency fees), and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Each Fund may create additional classes of shares in the future that may have different terms from Class A, Class B, Class C, and Class Z Shares. Applicants state that each Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

7. Each Fund may waive the EWC for certain categories of shareholders or transactions to be established from time to time. With respect to any waiver of, scheduled variation in, or elimination of the EWC, a Fund will comply with rule

[1] Any registered closed-end investment company relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each investment company presently intending to rely on the relief requested in this application is listed as an applicant.

22d–1 under the Act as if it were an open-end investment company.

8. Each Fund may offer its shareholders an exchange feature under which shareholders of a Fund may, during any quarterly repurchase period, exchange their shares for shares of the same class of other funds in the Liberty group of investment companies. Any exchange option will comply with rule 11a–3 under the Act as if a Fund were an open-end investment company subject to that rule. In complying with rule 11a–3, a Fund will treat the EWC as if it were a contingent deferred sales charge (''CDSC'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of a Fund may be prohibited by section 18(c).

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of a Fund may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) of the Act from sections 18(c) and 18(i) of the Act to permit a Fund to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that their proposal does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that a Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

5. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company will purchase any securities of which it is the issuer, except: (i) On a securities exchange or other open market; (ii) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (iii) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

6. Rule 23c–3 under the Act permits a registered closed-end investment company (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is reasonably intended to compensate the fund for expenses directly related to the repurchase.

7. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. As noted above, section 6(c) provides that the Commission may exempt any person, security or transaction from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request relief under sections 6(c) and 23(c) from rule 23c–3 to permit them to impose EWCs on shares submitted for repurchases that have been held for less than a specified period.

8. Applicants submit that the requested relief meets the standards of sections 6(c) and 23(c)(3). Rule 6c–10 under the Act permits open-end investment companies to impose deferred sales charges, subject to certain conditions. Applicants state that EWCs are functionally similar to CDSCs imposed by open-end investment companies under rule 6c–10 under the Act. Applicants state that EWCs may be necessary for the Distributor to recover distribution costs and that EWCs may discourage investors from moving their money quickly in and out of a Fund, a practice that applicants submit imposes costs on all shareholders. Applicants will comply with rule 6c–10 under the Act as if that rule applied to closed-end investment companies. Each fund also will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSCs. Applicants further state that each Fund will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistent with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

9. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

10. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 to permit each Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies.

Applicant's Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with the provisions of rules 6c–10, 11a–3, 12b–1, 17d–3, 18f–3, and 22d–1 under the Act and NASD Conduct Rule 2830(d), as amended from time to time, as if those rules applied to closed-end investment companies.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24547 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41866; File No. SR–Amex–99–23]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC Relating to the Amendment of Commentary .05 to Rule 155

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change. The Exchange submitted Amendment No. 1 to its proposal on August 2, 1999.[3] The proposed rule change, as amended, is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposal, a member seeking to break an equity or option trade[4] must first obtain written Floor Official approval. The member seeking the rejection must show good cause for the Floor Official to form the belief that the execution was inconsistent with the specialist's responsibility to maintain a fair and orderly market. The text of the proposed rule change is as follows. New text is italicized and deleted text is bracketed.

Exchange Rule 155

* * * * *

.05(i) If a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member or member organization, such member or organization shall be so notified as follows:

(a) If such securities were named in an order received by the specialist through the Post Execution Reporting (''PER'') System or the Amex Options Switch (''AMOS'') System, the Exchange shall furnish a report of the transaction; or

(b) If such securities were named in an order received by the specialist in any other manner, the specialist shall indicate on the copy of the order ticket to be returned to the member or member organization that he executed the order as principal.

(ii) A member or member organization *that seeks to* [may] reject a transaction for which notice is required to be furnished pursuant to paragraph (i) above *shall request Floor Official review of the transaction in writing promptly after receiving such notice and shall advise* [by so advising] the relevant specialist in writing *contemporaneously with the request for review* [promptly after receiving such notice]. Any such written *request for review* [rejection] shall be given to the *Floor Official and* specialist by a member, not by a clerk. *The transaction may only be rejected upon written Floor Official approval for good cause shown in relation to the specialist's responsibility to maintain a fair and orderly market.* Any transaction not rejected in this manner shall be deemed accepted.

* * * * *

(b) Not applicable.

(c) Not applicable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Since at least 1926, the Amex has had rules that allow specialists to act as both agent and principal on trades, but permit the brokers that placed the orders to reject the resulting contracts.[5] Such rules always have required (i) a report advising the member that gave-out the order that the specialist acted as principal on the trade, and (ii) an opportunity for the member that gave-out the order to reject the contract. The genesis of the Amex and similar New York Stock Exchange (''NYSE'') rules[6] goes back to the turn of the century and traditional concepts of agency law that an agent cannot deal for its account against its principal absent the principal's consent.

There have been many changes in the securities market since the early part of this century. Of particular importance, the dissemination of information regarding trades and quotes is now nearly instantaneous and permits both market professionals and public investors to monitor the market and the quality of their executions. Brokers have developed sophisticated systems for reviewing execution quality in response to the Commission's statements on ''best execution'' of customer orders. The Exchange also has developed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange clarified that Amex Rule 155 applies to all securities transactions on the Amex, revised and expanded its discussion of the rules of the other exchanges, and provided an example of what constitutes good cause for rescinding a trade. Letter from William Floyd-Jones, Assistant General Counsel, Legal & Regulatory Policy, Amex, to Terri Evans, Attorney, Division of Market Regulation, Commission, dated July 29, 1999 (''Amendment No. 1'').

[4] Amex Rule 155 generally applies to securities transactions on the Exchange. Amex Rule 950(a) specifically extends Rule 155 to options trading. The proposed rule change, accordingly, will apply to all securities trades effected on the Amex, including options. *See* Amendment No. 1, *supra* note 3.

[5] Section 1 of Chapter XI of the Rules of the New York Curb Exchange (a predecessor of the Amex) in the July 1926 ''Constitution of New York Curb Exchange and Rules Adopted by the Board of Governors Pursuant Thereto'' provides in part:

No regular member, while acting as a broker, whether as a specialist or otherwise, shall buy or sell, directly or indirectly, for his own account or for that of a partner, or for any account in which either he or a partner has a direct or indirect interest, securities, the order for the sale or purchase of which has been accepted for execution by him, or by his firm, or by a partner, except as follows: . . .

[Exception (b)]. A regular member may only take the securities named in the order, provided that he shall have offered the same in the open market, if bonds at ⅛ of 1%, and if stocks at the minimum fraction of trading, above his bid, and provided that the price is justified by the conditions of the market, and that the member who gave the order shall directly, or through a broker authorized to act for him, after prompt notification, accept the trade and report it.

[Exception (c)]. A regular member may only supply the securities named in the order, provided that he shall have bid for the same in the open market, if bonds at ⅛ of 1%, and if stocks at the minimum fraction of trading, below his offer, and provided that the price if justified by the conditions of the market, and that the member who gave the order shall directly, or through a broker authorized to act for him, after prompt notification, accept the trade and report it.

[6] The NYSE has a rule similar to Amex rule 155. *See* Amendment No. 1, *supra* note 3 (interpreting rules of other exchanges).

sophisticated surveillance systems backed by extensive staff resources for reviewing trading by its members. These facilities were unavailable and inconceivable at the beginning of the century. At that time, the coarse approach of allowing one party to a trade to renege if the executing specialist acted both as agent and principal may have created an appropriate ''in terrorem'' effect. Today, however, a discretionary and unchecked unilateral right of rescission is excessive.

The Philadelphia Stock Exchange (''Phlx'') amended its rules in 1993 to permit rescission of options trades only when the cancellation is approved in writing by a floor official, ''for good cause shown.'' [7] The Exchange's proposed rule change is based upon the Phlx's 1993 amendment to its rules.

The Amex rule that permits a party to an Exchange contract to break it, even though the execution may have been consistent with the market at the time of trade, interjects an element of financial risk into the market. This risk is magnified in the context of options due to the leverage of these securities. In the Exchange's view, the risk of financial instability created by giving persons an unfettered right to cancel trades merely because the executing specialist acted both as principal and agent outweighs whatever residual benefits the Rule may have. The Exchange, moreover, is not proposing to eliminate a member's ability to rescind a trade where the specialist may have acted inappropriately. The proposed rule change simply aims at eliminating the unchecked right to break trades due to the capacity in which the specialist acted.

Under the proposal, a member seeking to break an equity or option trade [8] must first obtain written Floor Official approval. The member seeking the rejection must show good cause for the Floor Official to form the belief that the execution was inconsistent with the specialist's responsibility to maintain a fair and orderly market. For example, assume the market is 9 to 9¼, 1,000 by 1,000, and the specialist holds a sell stop order for 800 shares with an electing price of 9. Assume that the specialist sells 1,000 shares for its principal account at 9, and then executes the sell stop order at 8¾, buying 800 shares for its account. In this circumstance, it would be appropriate to break the trade at 8¾ since, when a specialist's trade elects a stop, the specialist is required to fill the stop order at the price of the electing transaction (in this case at 9).[9] The Exchange believes that the proposal appropriately limits the financial risk of specialists that provide liquidity to investors by acting as principal while maintaining the ability of members to break trades where the specialist acts inconsistently with his or her obligations.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act [10] in general and furthers the objectives of Section 6(b)(5) [11] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investor and the public interest. Moreover, the Exchange contends that the proposal is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–99–23 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24498 Filed 9–20–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41870; File No. SR–Amex–99–29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange LLC Relating to Disclosures by Specialists Under Amex Rule 174

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit

[7] *See* Securities Exchange Act Release No. 32922 (September 17, 1993), 58 FR 50062 (September 24, 1993) (amending Phlx Rule 1019, Commentary .05) and Amendment No. 1, *supra* note 3 (interpreting the rules of the other exchanges).

[8] *See* Amendment No. 1, *supra* note 3.

[9] *Id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 174 relating to disclosures by specialists. The text of the proposed rule change is as follows (brackets indicate deletions from current Amex Rule 174 and italics indicate new language):

* * * * *

Disclosures by Specialists [Prohibited]

Rule 174. (*a*)[No] *A* member acting as a specialist [shall, directly or indirectly, at any time] *may* disclosure [to any person other than a Floor Official or authorized official of the Exchange any] information in regard to orders entrusted to [him as a] *the* specialist *as provided in this rule*. [except that]

[a](*b*) [w]*W*hen requested by a member, member organization, or a representative of the issuer of the security involved, the specialist may disclose to such parties the names of buying and selling member organizations in either completed or partially executed Exchange transactions unless specifically directed to the contrary by the parties involved[;].

[b](*c*) *While acting in a market making capacity, the specialist* may in response to an inquiry from a member conducting a market probe in the normal course of business provide *any* information about buying or selling interest in the market [at or near the prevailing quotation and such information] *which* may include the identity of bidders or offerors represented on his book unless the specialist has been expressly directed to the contrary by the broker who entered the order with the specialist *and may also include information regarding stop orders if the specialist has a reasonable basis to believe that the member intends to trade the security at a price at which stop orders would be relevant*, provided that the specialist shall, *while on the Floor*, make the same information available in a fair and impartial manner to any member [who shall so inquire], and provided further that the specialist, when requested, shall disclose whether a bid or offer is in whole or in part for an account in which he has a direct or indirect interest[; and].

[c](*d) The specialist* shall disclose information in regard to limited price orders entrusted to him as a specialist to the extent required by the Plan provided for in Rule 230. [In any such case, the specialist shall at the same time make the information so disclosed available to all members.] The provision of the Plan shall not be construed to require a specialist to disclose the name of a bidder or offeror whose order is contained in the specialist's book.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Presently, Amex Rule 174 prohibits specialists from disclosing information regarding orders left with the specialist other than to a Floor Official or an authorized Amex official. This prohibition is subject to three exceptions: (1) a specialist may disclose information to requesting members or issuer representatives regarding names of buying and selling member organizations in completed or partially executed Amex transactions unless parties to the trade direct otherwise; (2) in response to a member's probe of the market, the specialist, in a fair and impartial manner, may provide information about buying and selling interest at or near the prevailing quotation, including the identity of bidders or offerors represented on the book, unless the entering broker directs otherwise; and (3) the specialist must disclose information regarding limited price orders held by the specialist to the extent required by the Intermarket Trading System Plan.

The Exchange proposes to amend Amex Rule 174 to expand the information that the specialist, while acting in a market making capacity on the Floor, is permitted to disclose following a market probe by a member in the normal course of business. These amendments will promote market transparency by permitting additional disclosure of away-from-the-market information. Specifically, the amendment will strike the requirement that only information regarding orders ''at or near the prevailing quotation'' may be disclosed. Instead, the rule will permit any information concerning buying and selling interest of orders held by the specialist on the specialist's book to be disclosed following a member's market probe. In addition, the specialist will be permitted to disclose information regarding stop orders if the specialist reasonably believes that the requesting member intends to trade the security at a price at which stop orders would be relevant (for example, if stop orders would be triggered if a proposed trade occurred at a certain price).[3] The proposed rule change would also permit disclosure of percentage orders in a manner similar to disclosure of any other orders (except stop orders).[4]

The Exchange notes that the specialist is not required to provide any such information in response to a probe, either under the existing or the proposed rule. However, if the specialist determines to make such disclosure, the same information must be made available in a fair and impartial manner to any member while on the Floor.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5),[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

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[3] A stop order to buy (sell) becomes a market order when a transaction in the security occurs at or above (below) the stop price after the order is represented in the Trading Crowd. A stop limit order to buy (sell) becomes a limit order executable at the limit price or better when a transaction occurs at or above (below) the stop price after the order is represented. See Amex Rule 131(q) and (r) respectively

[4] A percentage order is a limited price order to buy or sell 50% of the volume of a specified stock after its entry. A percentage order is ''elected'' and becomes capable of execution under circumstances set forth in Amex Rule 131.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR.–AMEX–99–29 and should be submitted by October 12, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

[FR Doc. 99–24499 Filed 9–20–99; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41872; File No. SR–CBOE–99–37]

September 13, 1999.

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., To Establish a Membership Ownership Requirement and Assess a Capitalization Transfer Fee Applicable to Designated Primary Market Makers

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on July 9, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On July 13, 1999, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to require each Exchange designated primary market maker (''DPM'') to own at least one Exchange membership and to assess a transfer fee on any DPM that is allocated, after June 29, 1999, one or more option classes that has been traded on CBOE or another exchange before June 29, 1999, if that DPM undergoes a change in its capitalization during the five year period following the allocation of the pre-June 29, 1999 option class.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set for in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing two rule changes applicable to DPMs. These rule changes are part of the Exchange's initiative to expand its DPM program to allow for the appointment of DPMs in most, if not all, equity option classes traded on the Exchange. This initiative was approved in principle by the Exchange's membership as part of a membership vote that was held on June 29, 1999.

a. Requirement That DPM Own an Exchange Membership

The Exchange proposes to require that each DPM own at least one Exchange membership. An Exchange membership would include a transferable regular membership of the Exchange or a Chicago Board of Trade (''CBOT'') full membership that has effectively been exercised pursuant to Article Fifth(b) of the CBOE Certificate of Incorporation.[4] A DPM would be deemed to satisfy this ownership requirement if the DPM or a senior principal of the DPM owned an Exchange membership. In addition, no single Exchange membership could be used to satisfy this ownership requirement for more than one DPM. DPMs would be given 18 months from the effective date of this proposed rule change to satisfy the requirement.

The purpose of this ownership requirement is to assure that DPMs have a long-term commitment to the Exchange given the important functions they perform and to recognize that DPMs are a pivotal component of the Exchange's marketplace.

b. Assessment of Transfer Fee

The Exchange is also proposing to assess a transfer fee on certain DPMs that change their capitalization during a defined five-year period. This transfer fee would only be assessed on those

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Arthur B. Reinstein, Assistant General Counsel, CBOE, to Kelly Riley, Attorney, Division of Market Regulation, SEC, dated July 12, 1999 (''Amendment No. 1''). In Amendment No. 1, the Exchange re-designated the rule change as amendments to current CBOE Rule 8.80. The original filing amended proposed rules that are currently pending with the Commission and not approved as of the time of this filing.

[4] Pursuant to Article Fifth(b) of the Certificate of Incorporation and CBOE Rule 3.16(c), any member of the CBOT who is an Eligible CBOT Full Member or an Eligible CBOT Full Member Delegate is entitled to become a member of CBOE. Any eligible CBOT member who has effectively exercised this entitlement to be a CBOE member is referred to as a CBOT exerciser member of CBOE.

DPMs that have been allocated one or more options classes that have been traded on the CBOE or other exchange prior to June 29, 1999. Furthermore, the transfer fee will only be imposed on those DPMs that have been allocated a pre-June 29, 1999 option after June 29, 1999. The five-year period will begin as of the allocation date of the pre-June 29, 1999 option.

For purposes of this transfer fee, a change in the capitalization of a DPM would be deemed to include any sale, transfer, or assignment of any ownership interest in the DPM or any change in the DPM's capital structure, voting authority, or distribution of profits or losses.

The transfer fee would generally be equivalent to an applicable percentage of the larger of: (i) the dollar amount of the change in a DPM's capitalization attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999 or (ii) the value of the change in the DPM's capitalization attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999, as determined by a formula for ascertaining an approximate value of that portion of the transaction. The applicable percentage to be applied in determining this transfer fee would be: 50% in the first year of the five-year period during which the DPM is subject to this transfer fee, 40% in the second year, 30% in the third year, 20% in the fourth year, and 10% in the fifth year.

Specifically, this transfer fee would be equal to the larger of two figures determined by the following formulas. The first formula to determine the dollar amount of change in the DPM's capitalization attributable to pre-June 29, 1999 options classes is: (the applicable percentage listed above based on the year) × (the actual dollar value of the change in capitalization of the DPM as determined by the Exchange) × (the percentage of the DPM's market-maker trading volume in its capacity as a DPM in the previous 12 months attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999).

With respect to the first formula, the Exchange would determine the actual dollar value of the change in capitalization of the DPM by examining the DPM's organizational documents, the documents related to the transactions, and the other information provided by the DPM concerning the transaction to ascertain the dollar value of the change in capitalization that is revealed by that information.

If not all of the pre-June 29, 1999 option classes allocated to a DPM following that date have been traded by the DPM for at least 12 months, the Exchange would determine the percentage of the DPM's market-maker trading volume attributable to those option classes based on the time period since the last such option class was allocated to the DPM for purposes of the first formula.

The second formula to determine the value of the change in the DPM's capitalization attributable to pre-June 29, 1999 option classes is: (the applicable percentage listed above based on the year) × (the current level of overall DPM profitability per contract as determined by the Exchange based on DPM financial reporting) × (the DPM's market-maker trading volume in the previous 12 months in pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999) × (2) × (the percentage change in the DPM's capitalization as determined by the Exchange).

With respect to the second formula, the Exchange would determine the current level of overall DPM profitability per contract based on DPM financial reporting by examining FOCUS Reports submitted to the Exchange by DPMs during the prior 12 months. Specifically, the Exchange would determined the total net profit reported by DPMs on FOCUS Reports submitted during the prior 12 months and divide this total net profit amount by the total market-maker trading volume of DPMs (in their capacity as DPMs) in the prior 12 months to arrive at a proxy for the current level of overall DPM profitability per contract. If a DPM has other operations in addition to its DPM operation for which financial information is reflected on its FOCUS Reports, the Exchange may exclude the data related to that DPM from this calculation so that the calculation is not skewed by the level of profitability from non-DPM activities.

If not all of the pre-June 29, 1999 option classes allocated to a DPM following that date have been traded by the DPM for at least 12 months, the Exchange would determine the DPM's market-maker trading volume in those option classes during the time period since the last such option class was allocated to the DPM and convert that volume number to an annualized amount in order to determine the DPM's market-maker trading volume figure in those classes for the purposes of the second formula.

The multiple of 2 in the second formula is intended to represent two calendar years of assumed DPM operation.

Finally, the Exchange would determine the percentage change in the DPM's capitalization for purposes of the second formula by examining the DPM's organizational documents, the documents related to the transaction, and the other information provided by the DPM concerning the transaction in order to ascertain this percentage change as revealed by that information.

This transfer fee has three primary purposes. First, the transfer fee is designed to provide those who own DPMs that are allocated one or more existing option classes with a significant incentive to sufficiently capitalize the DPM and to have sufficient capital of their own to operate the DPM given that any transaction to transfer an interest in the DPM in order to raise capital in the subsequent five years will be subject to the transfer fee. In addition, the Exchange believes that allocating an existing option class to a DPM is a valuable right because of the established order flow and contract volume. Therefore, the Exchange believes it would be inequitable to allow those who own a DPM organization that is allocated one or more existing option classes to shortly thereafter sell this right by transferring all or a portion of their interest in the DPM organization to other parties. Accordingly, a second purpose of the transfer fee is to discourage these types of transactions, or if they occur, to require a significant portion of the value of the transaction to be paid to the Exchange. Third, as with the proposed ownership requirement, the transfer fee will contribute toward assuring that DPMs have a long-term commitment to the Exchange.

2. Basis

The proposed ownership requirements and transfer fee will contribute toward assuring that DPMs have a long-term commitment to the Exchange. Moreover, the proposed transfer fee will provide DPMs with significant incentive to be sufficiently capitalized while at the same time discouraging transfer of interest in DPMs that are inequitable to the Exchange and its membership. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5)[6] in particular, because it is designated to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No.SR–CBOE–99–37 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

[FR Doc. 99–24496 Filed 9–20–99; 8:45 am]

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[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41863; File No. SR–CBOE–99–48]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Match Size Limits of the Automatic Execution System of the Philadelphia Stock Exchange, Inc.

September 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 25, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to increase the size limit of orders in certain classes of options contracts which are eligible for entry into the CBOE's Retail Automatic Execution System (''RAES'') to match the size limits of orders which will be eligible for entry into the automatic execution system of the Philadelphia Stock Exchange, Inc. (''Phlx'')

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE include statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As of the date of filing, CBOE Rule 6.8(e) generally limits the size of CBOE RAES orders to twenty or fewer contracts.[3] Notwithstanding the provision, Interpretation and Policy .01 under that rule permits the appropriate FPC to increase the size in one or more classes of multiply listed equity options eligible for entry on RAES to the extent necessary to match the size of orders in the same options class eligible for entry into the automated execution system of any other options exchange. Interpretation and Policy .01 requires that the effectiveness of the increase in options size be conditioned on the CBOE making a filing with the Commission under Section 19(b)(3)(A) of the Act.[4]

As of August 24, 1999, options on Bank America (BAC), Citigroup (C), Cendant (CD), Conoco (COC), Frontier (FRO), Georgia Pacific (GP), AT&T Liberty Media Group (LMG), Lucent (LU), and LHS Group (QLH) are dually listed on the CBOE and the Phlx. The current size limit eligible for automatic execution of Phlx orders is 30 contracts for BAC, and 25 contracts for C, CD, COC, FRO, GP, LMG, LU, and QLH. These size limits could be increased by Phlz up to 50 contracts pursuant to Phlx Rule 1080(c). The CBOE therefore anticipates that if it raises it RAES eligible limit to match the current size limits of the Phlx in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH, the Phlx in turn may potentially raise its own limits again.

Therefore, pursuant to CBOE rule 6.8 and Interpretation and Policy .01, the CBOE proposes to increase the RAES eligible order size limit in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH to match the eligible order size on the automatic execution system of the Phlx, effective August 25, 1999. Currently, this will involve an increase to a 30 contract size limit for BAC, and 25 contracts for C, CD, COC, FRO, GP, LMG, LU, and QLH. If the Phlx in response, increases its own size limit for automatic execution in response, the CBOE in turn will match such increases up to 50 contracts.[5]

[3] On September 1, 1999, the Commission approved a CBOE proposal to increase generally the size limits of RAES orders from 20 to 50 contracts. *See* Securities Exchange Act Release No. 41821.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] In actuality, on August 25, 1999, the Phlx order size limits for the CBOE to match were 30 contracts for BAC and 25 contracts for C, CD, COC, FRO, GP,

The Exchange represents that RAES has the capacity to accommodate a RAES order limit size of up to 50 contracts in BAC, C, CD, COC, FRO, GP, LMG, LU, and QLH, both in terms of systems capacity as well as the market-making capacity of market-makers participating in RAES.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Sections 6(b)(5)[7] and 6(b)(8)[8] of the Act in particular, in that it is designed to remove unnecessary burdens on competition, as well as remove impediments to, and perfect the mechanism of, a free and open market and a national market system, for the benefit of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(1) of the Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–48 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

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LMG, LU, and QLH. Telephone conversation among Chris Hill, Attorney, CBOE, and Kenneth Rosen, Attorney, and Melinda Diller, Law Clerk, Commission, on September 1, 1999.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(1).

[11] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41869; File No. SR–CHX–99–13]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Inc. Relating to Membership Dues and Fees

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice hereby is given that on August 27, 1999, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the information. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its membership dues and fees schedule. Specifically, the ''Technical Equipment'' portion of the CHX fee schedule would be amended to incorporate uniform monthly charges for certain computer equipment that now is available for use by CHX members (*i.e.*, flat panel monitors) and to delete references to obsolete computer equipment. The text of the proposed rule change is available upon request from the Commission or the Office of the Secretary of the CHX.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the CHX schedule of membership dues and fees. Specifically, the ''Technical Equipment'' portion of the CHX fee schedule would be amended to incorporate uniform monthly charges for certain computer equipment that now is available for use by CHX members (*i.e.*, flat panel monitors) and to delete references to obsolete computer equipment. The proposed amendment is intended solely to update the list of computer equipment itemized as ''Technical Equipment'' and does not impose new or additional charges on any member unless a member elects to augment existing trading floor workstation technology with new flat panel monitors.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Act[3] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

(B) Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2)[5] thereunder.[6] At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the foregoing is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–13 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

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[3] 15 U.S.C. 78f(b)(4)

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] In reviewing the proposal, the Commission considered its impact on efficiency, competition and capital formation. 15 U.S.C. 78f(b).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41862; File No. SR–DTC–99–16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Amendment and Order Granting Accelerated Approval of a Proposed Rule Change Relating to Implementation of the Profile Modification System Feature of the Direct Registration System

September 10, 1999.

On June 17, 1999, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') and on July 22, 1999, and August 31, 1999, as amended a proposed rule change (File No. SR–DTC–99–16) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the original proposal and first amendment were published in the **Federal Register** on June 23, 1999,[2] and on July 29, 1999,[3] respectively. The Commission received twenty-two comments in response to the proposed rule change.[4] The Commission is publishing this notice and order to solicit comments on the August 31, 1999, amendment from interested persons and to grant accelerated approval of the proposal.

I. Description

The Direct Registration System (''DRS''), as developed by the DRS Committee,[5] is a facility that allows investors the ability to hold their securities on the issuer's books, through the issuer's transfer agent, rather than holding in street name or in certificated form.[6] Instructions to create investors' book-entry positions in DRS or to move those positions are transmitted through an electronic system. The DRS facility is administered by DTC and uses DTC's systems to effect DRS transactions.[7] The DRS Committee meets on a regular basis to discuss the on-going development of DRS and to form the policies, systems, and operational procedures needed to implement these developments.

The purpose of DTC's filing is to resolve an impasse that developed

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41535 (June 17, 1999), 64 FR 33539 (July 23, 1999).

[3] Securities Exchange Act Release No. 41643 (July 22, 1999), 64 FR 41171 (July 29, 1999).

[4] Telephone conversation between Jerome J. Claire, John Cirrito, and Don Kittel, Securities Industry Association, with Robert Colby, Deputy Director, Division of Market Regulation, Securities and Exchange Commission (July 20, 1999). Letters from Vickie Dear, Department Leader, and Mark Leverenz, Principal, Edward Jones (July 6, 1999); Timothy J. Carlin, Senior Counsel, Wells Fargo & Company (July 13, 1999); Frank M. Ciavarella, First Vice President, Prudential Securities (July 13, 1999); Paul Morelli, First Vice President, The Cashiers' Association of Wall Street, Inc. (July 13, 1999); Robert Dietz, President, STA (July 14, 1999); Jerome J. Clair, Chair, SIA Operations Committee, and John Cirrito, Chair, SIA Subcommittee on DRS, SIA (July 15, 1999); William Talbot, Vice President, Pershing, (July 15, 1999); Eric D. Kamback, Senior Vice President, The Bank of New York (July 15, 1999); Fred Enriquez, President, Securities Operations Division (July 16, 1999); Kenneth F. Kaplan, Vice President and Chief Financial Officer, Regal-Beloit Corporation (July 19, 1999); Patricia Trevino, Chair, Securities Industry Committee, American Society of Corporate Secretaries (July 19, 1999); Jerome J. Clair, Chair, SIA Operations Committee, and John Cirrito, Chair, SIA Subcommittee on DRS, SIA (August 11, 1999); Robert E. Smith, Assistant Corporate Secretary, Reliant Energy (August 11, 1999); Jason Korstange, Senior Vice President, TCF Financial Corporation (August 16, 1999); Scott A. Ziegler, Ziegler & Altman LLP (August 17, 1999); Joseph F. Spadaford, President of First Chicago Trust Division and Charles V. Rossi, President of Boston EquiServe Division, EquiServe (August 19, 1999); American Stock Transfer & Trust Company, The Bank of New York, ChaseMellon Shareholder Services, Continental Stock Transfer & Trust Company, EquiServe, First Union, Harris Trust & Savings Bank, Norwest Shareowner Services (August 20, 1999); Richard P. Randall, Vice President, Associate General Counsel, Assistant Corporate Secretary, Avery Dennison (August 23, 1999); Warren G. Andersen, Attorney and Assistant Secretary, General Motors Corporation (August 25, 1999); Thomas L. Montrone, President and Chief Executive Officer, Registrar and Transfer Company (August 26, 1999); Ian Yewer, President and Chief Operating Officer, American Securities Transfer and Trust, Inc. (August 30, 1999).

[5] The DRS Committee is an industry committee responsible for designing DRS. Its members include the Securities Transfer Association, the Securities Industry Association, the Corporate Transfer Agents Association, and DTC.

[6] For a history of DRS and a description of the original DRS concept, *see* Securities Exchange Act Release No. 35038 (December 1, 1994), 59 FR 63652 (concept release relating to the direct registration system) (''Concept Release''). As described in the Concept Release, DRS was determined to be a means to reducing systemic risk in the marketplace by reducing the timeframes for settling securities transactions. The Commission continues to believe DRS will be an important element in achieving a shorter settlement periods. *Cf.* Section 17A(e) of the Act.

[7] Securities Exchange Act Release No. 37931 (November 7, 1996), 61 FR 58600 (November 15, 1996) [File No. SR–DTC–96–15] (order relating to the establishment of DRS).

among members of the Securities Transfer Association (''STA'') and the Securities Industry Association (''SIA'') relating to the implementation of the Profile Modification System feature (''Profile'')[8] of DRS. Profile will allow a DTC participant (*i.e.*, a broker-dealer) upon instructions from the participant's customer to electronically request that a ''DRS limited participant'' of DTC (*i.e.*, a transfer aggent)[9] to move the customer's DRS positions to the participant's account at DTC.[10] Profile will be available through both DTC's Participant Terminal System (''PTS'') and DTC's Computer-to-Computer Facility (''CCF'').

Representative members of the STA reported to the DRS Committee that some transfer agents may not be able to implement Profile until some time in calendar year 2000. Members of the SIA, on the other hand, expected Profile to be implemented during the third quarter of 1999 and are concerned that implementation will be delayed indefinitely. Because of differing views on the implementation schedule for Profile, no industry consensus has emerged on whether DRS should continue to operate as it does today or whether use of DRS should be restricted in some manner until Profile is implemented.

As an industry utility and administrator of the systems used to facilitate DRS activity between participants and DRS limited participants, DTC initially filed and amended its proposed rule change to request guidance from the Commission in resolving the impasse between members of the STA and the SIA. DTC proposed four options on how to proceed in the implementation of Profile.[11] The options included:

(1) if all DRS limited participants are not able to implement Profile by September 13, 1999,[12] no additional securities issues would be made eligible after September 13, 1999, for inclusion in DRS until sometime in the first quarter of 2000 when all DRS limited participants are able to implement Profile using either DTC's PTS, or its CCF;

(2) securities issues would continue to be made eligible for inclusion in DRS in the manner in which they are currently make eligible for inclusion;

(3) securities would continue to be made eligible for inclusion in DRS provided that each DRS limited participant could be the DRS limited participant for no more than two new issues per month. If all DRS limited participants are not able to implement Profile by using PTS or CCF by March 31, 2000, no additional securities issues would be made eligible for inclusion in DRS until such time as all DRS limited participants are ready to use Profile; or

(4) if a DRS limited participant implements Profile by September 15, 1999,[13] either through PTS or CCF, that DRS limited participant will be allowed to continue to make securities eligible for inclusion in DRS. Any DRS limited participant that does not implement Profile either through PTS or CCF by September 15, 1999, will not be allowed to make additional securities eligible for DRS until such time as it implements Profile after January 15, 2000.

DTC also amended the proposed rule change to clarify its description of Profile by adding language indicating that Profile was developed to incorporate the use of an ''electronic medallion guarantee.''[14]

On August 31, 1999, DTC filed its second amendment to withdraw Options (1), (2), and (3). Based on the comment letters it received and on its discussions with Commission staff, DTC believes that Option (4) represents the most equitable option.

II. Comment Letters

The Commission received twenty-one comment letters.[15] Five commenters, representing primarily broker-dealers or associations representing broker-dealer interests, support limitations on making additional issues eligible if all DTC limited participants are not able to implement Profile by August 31, 1999, [*i.e.*, Option (1)]. While generally supporting the concept of DRS, these commenters state that their understanding of the DRS concept includes the ability of shareholders to ''recover'' their shares once the issuer places the securities in DRS. The commenters contend that the current system is not working because it is labor intensive, error-prone, confusing to investors, and causing unreasonable delays in confirming receipt of customers' positions, transferring customers' shares, and crediting customers with sale proceeds.[16] One of the five commenters stated it experiences an average ''turnaround time'' of twenty-six to thirty days.[17]

One commenter supports limitations on making additional issues eligible applicable to those agents that are not using Profile by September 13, 1999, [*i.e.*, Option (4)].[18] This commenter states that requiring the use of Profile will not impose any significant system changes on most DRS limited participants (this is particularly true if the DRS limited participant receives instructions through PTS) and is preferable to the current paper-based

[8] Profile is an electronic communication system through DTC which allows participants and DRS Limited Participants to send instructions to each other regarding the movement of DRS shares.

[9] For a description of DRS limited participants, refer to Securities Exchange Act Release No. 37931 (November 7, 1996), 61 FR 58600 (November 15, 1996) [File No. SR–DTC–96–15].

[10] Profile will also allow a DRS limited participant upon instructions from a customer to electronically request a participant to move the customer's positions from the participant's account at DTC to the customer's account at the DRS limited participant.

[11] DTC initially proposed three options. Options (1) through (3), on making additional securities issues eligible for inclusion in DRS. However after publication of the proposed rule change, several DRS limited participants indicated that they may be operationally able to implement the Profile feature by the proposed deadline of August 31, 1999, or shortly thereafter. In addition, the SIA submitted a comment letter supporting the concept of permitting any DRS limited participant capable of using the Profile feature by the August 31, 1999, deadline to be able to do so and to allow that DRS limited participant to make additional issues eligible. [See letter form Jerome Clair, Chair, SIA Operations Committee, to Jonathan Katz, Secretary, Commission (July 14, 1999).] As a result of these developments, DTC amended its proposed rule change to add on additional option, Option (4), to its recommendations.

[12] DTC originally proposed a deadline of August 31, 1999. However DTC amended its proposed rule change to change the deadline to September 13, 1999. Securities Exchange Act Release No. 41643 (July 22, 1999), 64 FR 41171 (July 29, 1999).

[13] In both amendments, DTC proposed to require use of Profile by September 13, 1999, in Option (4). However, DTC recently filed a proposed rule change addressing Year 2000 system concerns in which it plans to close its systems on September 15, 1999, to any system changes, testing of its systems with participants not currently using a specific DTC system, and new participants. Securities Exchange Act Release No. 41799 (August 27, 1999), 64 FR 48690 (September 7, 1999) [File No. SR–DTC–99–20]. DTC is extending the date in Option (4) of the DRS filing to September 15, 1999, in order to have consistent cutoff dates. Conversation with Jeffrey T. Waddle, Associate Counsel, DTC, with Susan Petersen (September 9, 1999). Since adding new DRS limited participants or permitting current DRS limited participants to use Profile requires DTC to test its systems with the DRS limited participant, DTC's general September 15, 1999, systems cutoff date applies to DRS applications.

[14] *Supra* note 3.

[15] *Supra* note 4.

[16] Because DRS limited participants are currently not using Profile to receive instructions, brokers or their customers must submit requests to move DRS shares by sending a transaction advice to the DRS limited participant generally through the U.S. mail or a commercial delivery service. Once the transaction advice is received by the transfer agent and processed, the transfer agent delivers the shares through DTC's Delivery Order system to the broker's account at DTC.

[17] The commenter's reference to turnaround time refers to the time between when that broker submits the transaction advice to the transfer agent for transfer and when the position is credited to the broker-dealer's account at DTC.

[18] The SIA submitted two letters. One letter addressed the proposed rule change which recommended Options (1) through (3). The second letter addressed DTC's first amendment which added Option (4). (See letters from Jerome J. Claire and John Cirrito, SIA.)

processing because DRS limited participants will receive instructions in a uniform manner. Furthermore, this commenter states that because some transfer agent representatives on the DRS Committee recently reopened issues the commenter believes had been addressed and agreed upon by the DRS Committee, it believes that transfer agents are not operating in good faith to resolve the outstanding operational and liability issues facing DRS.

Thirteen commenters, representing primarily issuers and transfer agents, support continuation of DRS as it is currently operating [*i.e.*, Option (2)]. These commenters believe that the unrestricted ability to allow issues to be made eligible in DRS is in the public interest. They contend that DRS as it is operating today (*i.e.*, without Profile) benefits the marketplace by providing shareholders with another option on how to hold their securities and by providing issuers and their transfer agents with cost savings from not having to issue and process physical certificates.

Three of these twelve commenters do not support the use of Profile in DRS at this time due to the number of unresolved issues surrounding its use in the marketplace.[19] They contend that there are fundamental flaws with Profile in its current form, including insufficient protection for both issuers and investors against fraudulent transfers. One of these three commenters said it would oppose a system that allows transfers without direct instruction from the shareholder or its legal agent.[20] Another of these three commenters suggests that use of Profile as proposed may constitute an invalid transfer and that this issue should also be carefully considered in light of both domestic and foreign law.[21]

Seven commenters generally accept the use of Profile as part of DRS but do not support its implementation until such time as the outstanding issues concerning liability are resolved.One of these seven commenters believes Profile should not be a condition of participating in DRS and that issuers should be given an option as to whether to use Profile for their issues. The three remaining commenters do not take a position on Profile but believe discussions regarding use of Profile in DRS should proceed separately from DRS use and eligibility requirements.

Finally, one commenter supports allowing transfer agents to make two or three issues eligible per month, and if all agents are not using Profile by an established date in 2000,[22] to discontinue allowing any new issues to be made eligible until such time as all agents are using Profile [*i.e.*, Option (3)]. This commenter conditioned its comment in favor of this option on DTC revising the cut-off date from March 31, 2000, to June 30, 2000. This commenter contends that the DRS Committee needs additional time to resolve outstanding issues that are critical to operating DRS efficiently and effectively. Delaying implementation until these issues are resolved, this commenter believes, will benefit both investors and the industry.

III. Discussion

Section 17A(b)(3)(F) of the Act[23] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions[24] and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The Commission believes that the proposed rule change is consistent with DTC's obligations under Section 17A(b)(3)(F).

By permitting only those DRS limited participants that use Profile to continue to make issues eligible for DRS, a more efficient mechanism for the transfer of DRS positions between an investor's broker-dealer and the transfer agent should be promoted. Currently, there is substantial evidence to indicate that the transfer of DRS positions, which is presently a multi-step, paper-based process, is labor intensive and slow. For an investor to move a DRS position from a DRS limited participant to a broker, the investor must have a transaction advice signature guaranteed and physically delivered to the DRS limited participant. When the transaction advice is received, the DRS limited participant enters the information into its system to process the instructions. Only after the DRS limited participant completes its processing is the investor's DRS position moved to the broker. In addition, since the information contained on the transaction advices is not standardized throughout the industry, investors (or brokers sending the transaction advices on behalf of their customers) do not always provide the correct or complete information necessary to process the instructions. Furthermore, an investor generally can not sell, pledge, tender, or otherwise dispose of a DRS position until the broker's account at DTC has been credited with the shares.[25]

Using Profile, DRS participants will send standardized information which thereby should reduce the possibility that the instruction will be rejected due to errors or incomplete information. Because Profile is an electronic system that eliminates the need for the information to be physically delivered, it should make the processing of DRS instructions more efficient and should give investors the ability to execute transactions using their DRS positions in a time frame that is at least as fast as when using certificate. In short, Profile should reduce the time it takes for the DRS limited participant to receive and process DRS instructions.

Accordingly, while several DRS limited participants believe that DRS is working well today and that there should not be any changes made or conditions imposed on making issues DRS eligible, the Commission believes that DTC's decision to require a DRS limited participant to use Profile before making any additional issues DRS eligible is consistent with DTC's statutory obligations under Section 17A of the Act because by adding efficiencies and reducing the potential for errors, the proposed rule change should promote the prompt and accurate clearance and settlement of securities transactions and help perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The Commission also finds that requiring those participating in DRS to use the Profile feature is consistent with the general purposes of Section 17A of the Act. When enacting Section 17A, Congress set forth its findings that the

[19] One of these commenters, the STA, submitted an extensive comment letter expressing its opinion on a number of issues including perceived legal defects in DTC's filing and unaddressed liability risks to issuers and transfer agents in the movement of shares through DTC's systems and its recommendations on issues that the STA believes should be resolved prior to implementing Profile.

[20] On this issue, the commenter does not address the argument that the broker may be considered as the customer's legal representative for purposes of conveying its customer's instruction to move the DRS positions from the issuer's books to the broker's account at DTC.

[21] The Commission staff is working with the DRS Committee and the New York Stock Exchange to address issues regarding the application of the Uniform Commercial Code to the use of Profile and the underlying electronic medallion guarantee.

[22] The commenter believes June 30, 2000, to be a more reasonable date than March 31, 2000, in light of the system changes the commenter believes DRS limited participants will have to undertake before they will be able to implement Profile. (See letter from Timothy J. Carlin, Wells Fargo & Company.)

[23] 15 U.S.C. 78q-1(b)(3)(F).

[24] Pursuant to Section 17A(a)(1)(A) of the Act, the prompt and accurate settlement of securities transactions includes the transfer of record ownership of securities.

[25] In contrast, an investor with a stock certificate can immediately sell, pledge, tender, *etc.* her shares with a broker.

prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership, is necessary for the protection of investors; inefficient procedures for clearance and settlement impose unnecessary costs on investors; and that new data processing and communications techniques create the opportunity for more efficient, effective and safe procedures for clearance and settlement.[26] Profile accomplishes these objectives by providing a more efficient mechanism for the movement of investors' securities positions than the current multi-step, paper-based DRS processing.

Participation in DRS by issuers or DRS limited participants is not mandatory.[27] Issues regarding risks and liabilities to issuers or transfer agents [28] are internal business issues and should be addressed prior to an issuer or transfer agent's decision to participate or participate further in DRS. On the other hand, participation in DRS by investors is not always voluntary. Although it was originally contemplated that shareholders would initiate their participation by individually choosing to hold their securities as DRS positions, DRS has developed so that in most situations issuers and transfer agents are making the decision for investors by establishing DRS positions on their books instead of issuing certificates. The vast majority of shares issued to shareholders as DRS positions have been the result of corporate actions (*e.g.*, splits, mergers, and spin-offs) without any election by the shareholders.

The Concept Release indicated that although industry participants would be free to decide for themselves whether they wanted to offer investors the services that comprise DRS, once the service is offered, its implementation and operation must be efficient, safe, and largely transparent to investors.[29] Therefore, DRS should not materially disadvantage shareholders when compared with the current processing of physical securities. The delays caused by requiring shareholders to either contact the DRS limited participant directly or to send transaction advices through the mail, as suggested by some commenters as the preferable method to process shareholder requests for transferring their shares to a broker, generally precludes shareholders holding DRS positions from executing transactions on the same basis as investors holding certificates. The use of Profile in DRS should reduce these delays.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of the filing of DTC's second amendment. The Commission finds good cause for so approving the proposed rule change because Option (4) was previously published in its entirety and the public had an opportunity to comment on its merits. The Commission believes accelerated approval will allow DRS participants to prepare for any operational changes that may be necessary in light of DTC's Year 2000 shutdown date of September 15, 1999.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–99–16 and should be submitted by October 12, 1999.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–99–16) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

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[26] 15 U.S.C. 78q–1(a)(1) (A), (B), and (C).

[27] However, once an issuer and DRS limited participant decided to participate in DRS, use of Profile, which includes such things as the acceptance of the electronic medallion guarantee, is required.

[28] In their comment letters to DTC's proposed rule change, some transfer agents contend there are business risks and liability concerns associated with use of the Profile feature. Because participation in DRS is not mandatory, the Commission is not addressing these issues in this order. The Commission urges representatives of the issuer, transfer agent, and broker-dealer community to continue discussions to resolve the outstanding DRS issues relative to processing and liability.

[29] *Supra* note 6.

[30] 17 CFR 200.30–3(a)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41875; File No. SR–NASD–99–41]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Opening of Day-Trading Accounts

September 14, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 20, 1999, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly-owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend the 2300 Series of the Rules of the NASD to include new Rule 2360 and Rule 2361 regarding the opening of day-trading accounts. Below is the text of the proposed rule change. Proposed new language is in *italics.*

Rule 2360. Approval Procedures for Day-Trading Accounts

(a) No member that is promoting a day-trading strategy, directly or indirectly, shall open an account for or on behalf of a non-institutional customer, unless, prior to opening the account, the member has furnished to the customer the risk disclosure

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statement set forth in Rule 2361 and has:

(1) approved the customer's account for a day-trading strategy in accordance with the procedures set forth in paragraph (b) and prepared a record setting forth the basis on which the member has approved the customer's account; or

(2) received from the customer a written agreement that the customer does not intend to use the account for the purpose of engaging in a day-trading strategy, except that the member may not rely on such agreement if the member knows that the customer intends to use the account for the purpose of engaging in a day-trading strategy.

(b) In order to approve a customer's account for a day-trading strategy, a member shall have reasonable grounds for believing that the day-trading strategy is appropriate for the customer. In making this determination, the member shall exercise reasonable diligence to ascertain the essential facts relative to the customer, including his or her financial situation, tax status, prior investment and trading experience, and investment objectives.

(c) If a member that is promoting a day-trading strategy opens an account for a non-institutional customer in reliance on a written agreement from the customer pursuant to paragraph (a)(2) and, following the opening of the account, knows that the customer is using the account for a day-trading strategy, then the member shall be required to approve the customer's account for a day-trading strategy in accordance with paragraph (a)(1) as soon as practicable, but in no event later than 10 days following the date that such member knows that the customer is using the account for such a strategy.

(d) Any record or written statement prepared or obtained by a member pursuant to this rule shall be preserved in accordance with Rule 3110(a).

(e) For purposes of this rule, the term ''day-trading strategy'' means an overall trading strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities.

(f) For purposes of this rule, the term ''non-institutional customer'' means a customer that does not qualify as an ''institutional account'' under Rule 3110(c)(4).

Rule 2361. Day-Trading Risk Disclosure Statement

(a) Except as provided in paragraph (b), no member that is promoting a day-trading strategy, directly or indirectly, shall open an account for or on behalf of a non-institutional customer unless, prior to opening the account, the member has furnished to the customer, in writing or electronically, the following disclosure statement:

You should consider the following points before engaging in a day-trading strategy. For purposes of this notice, a ''day-trading strategy'' means a strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities.

- *Day trading can be extremely risky. Day trading generally is not appropriate for someone of limited resources and limited investment or trading experience and low risk tolerance. You should be prepared to lose all of the funds that you use for day trading. In particular, you should not fund day-trading activities with retirement savings, student loans, second mortgages, emergency funds, funds set aside for purposes such as education or home ownership, or funds required to meet your living expenses.*
- *Be cautious of claims of large profits from day trading. You should be wary of advertisements or other statements that emphasize the potential for large profits in day trading. Day trading can also lead to large and immediate financial losses.*
- *Day trading requires knowledge of securities markets. Day trading requires in-depth knowledge of the securities markets and trading techniques and strategies. In attempting to profit through day trading, you must compete with professional, licensed traders employed by securities firms. You should have appropriate experience before engaging in day trading.*
- *Day trading requires knowledge of a firm's operations. You should be familiar with a securities firm's business practices, including the operations of the firm's order execution systems and procedures.*
- *Day trading may result in your paying large commissions. Day trading may require you to trade your account aggressively, and you may pay commissions on each trade. The total daily commissions that you pay on your trades may add to your losses or significantly reduce your earnings.*
- *Day trading on margin or short selling may result in losses beyond your initial investment. When you day trade with funds borrowed from a firm or someone else, you can lose more than the funds you originally placed at risk. A decline in the value of the securities that are purchased may require you to provide additional funds to the firm to avoid the forced sale of those securities or other securities in your account. Short selling as part of your day-trading strategy also may lead to extraordinary losses, because you may have to purchase a stock at a very high price in order to cover a short position.*

(b) In lieu of providing the disclosure statement specified in paragraph (a), a member that is promoting a day-trading strategy may provide to the customer, in writing or electronically, prior to opening the account, an alternative disclosure statement, provided that:

(1) The alternative disclosure statement shall be substantially similar to the disclosure statement specified in paragraph (a); and

(2) The alternative disclosure statement shall be filed with the Association's Advertising Department (Department) for review at least 10 days prior to use (or such shorter period as the Department may allow in particular circumstances) for approval and, if changes are recommended by the Association, shall be withheld from use until any changes specified by the Association have been made or, if expressly disapproved, until the alternative disclosure statement has been refiled for, and has received, Association approval. The member must provide with each filing the anticipated date of first use.

(c) For purposes of this rule, the term ''day-trading strategy'' shall have the meaning provided in Rule 2360(e).

(d) For purposes of this rule, the term ''non-institutional customers'' means a customer that does not qualify as an ''institutional account'' under Rule 3110(c)(4).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Introduction

Certain brokerage firms focus primarily, or even exclusively, on promoting day-trading strategies to individuals. These firms generally advertise on the Internet and elsewhere as ''day-trading'' firms or otherwise promote their execution and other services as desirable for ''serious'' or ''professional'' traders. In addition, many of these firms offer training on day-trading techniques, as well as provide computer facilities and software packages specifically designed to support and accommodate day trading.

Day trading, however, raises unique investor protection concerns. In general, day traders seek to profit from very small movements in the price of a security. Such a strategy often requires aggressive trading of a brokerage account. As a result, day trading generally requires a significant amount of capital, a sophisticated understanding of securities markets and trading techniques, and high risk tolerance. Even experienced day traders with in-depth knowledge of the securities markets may suffer severe and unexpected financial losses.

The Proposal in Special Notice to Members 99–32

To address investor protection concerns arising from day-trading activities, on April 15, 1999, NASD Regulation issued Special Notice to Members 99–32 soliciting comment on proposed rules regarding approval procedures for day-trading accounts. The proposal set forth in the Notice required a firm that had *recommended* an intra-day trading strategy to an individual to approve the individual's account for day trading. The proposal also required the firm, as part of the account approval process, to determine that the strategy was appropriate for the customer and to provide a disclosure statement to the customer discussing the risks associated with day-trading activities. As further discussed below, NASD Regulation received 39 comment letters in response to Special Notice to Members 99–32.

The Revised Proposed Rule Change

Based on the comments received in response to the Notice and input provided by the various NASD standing-committees, NASD Regulation has revised the proposed rule change concerning the opening of day-trading accounts. The proposed rule change, similar to its predecessor in Notice to Members 99–32, focuses on disclosing the basic risks of engaging in a day-trading strategy and assessing the appropriateness of day-trading strategies for individuals.

In particular, the proposed rule change would require a firm that is *promoting a day-trading strategy,* directly or indirectly, to deliver a specified risk disclosure statement to a non-institutional customer prior to opening an account for the customer. In addition, the firm would be required to (1) approve the customer's account for day trading or (2) obtain a written agreement from the customer stating that the customer does not intend to use the account for day-trading activities. A firm would not be permitted to rely on the written agreement from the customer if the firm knows that the customer intends to use the account for day trading. In addition, if a firm knows that a customer who provided such an agreement is engaging in a day-trading strategy, the firm would be required to approve the account for day trading.

As part of the account approval process, a firm would be required to have reasonable grounds for believing that the day-trading strategy is appropriate for the customer. In making this determination, the firm would be required to exercise reasonable diligence to ascertain the essential facts relative to the customer, including his or her financial situation, tax status, prior investment and trading experience, and investment objectives. The firm also would be required to prepare a record setting forth the basis on which the firm has approved the customer's account. Any record or written statement prepared or obtained by the firm pursuant to the proposed rule change would have to be preserved in accordance with NASD Rule 3110(a).

Requirement To Approve the Account for Day Trading

Elimination of the Term ''Recommend''

As noted above, the proposal articulated in Notice to Members 99–32 applied to firms that had *recommended* an intra-day trading strategy to individual investors. Many commenters raised serious concerns with the proposal's use of the term ''recommend.'' While the proposed rules did not define ''recommendation'' in the context of day trading, Notice to Members 99–32 provided general guidance on the types of activities that would constitute a recommendation in this context. The Notice stated that in general, a member would be recommending a day-trading strategy for purposes of the proposed rules if it affirmatively promoted day trading through advertising, training seminars, or direct outreach programs, and an individual engaged in day trading in response to those solicitations.

Many commenters voiced concerns that the Notice adopted an overly broad view of ''recommendation,'' and feared that this broader view would be applied in other contexts. In particular, these commenters were concerned that advertisements or other promotions alone would be deemed to trigger a firm's duty to customers under the NASD's general suitability rule, Rule 2310. In this regard, one commenter stated its belief that the historical understanding that a recommendation is a specific communication from a broker to a customer at a specific time must be maintained. A second commenter suggested that the rules include a clear statement that ''recommendation'' for purposes of the rules shall mean ''recommendation'' as that term is commonly used throughout NASD rules, other Notices to Members, and NASD interpretative letters. This same commenter believed the rules should explicitly state that advertising does not constitute a recommendation for purposes of the proposed rules.

Several commenters suggested specific interpretations of the term ''recommendation'' in the day-trading context. For instance, one commenter expressed the view that the types of conduct that constituted ''recommending'' involved actively reaching out to the investing public with the goal of reaping financial benefits from the recommendation being made. The commenter also believed that the definition of recommendation should expressly exclude conduct such as solely operating a Web site that provided general financial information and news. A second commenter suggested exempting from the proposed rules those Internet-based firms that do not provide individualized instructions or guidance with respect to day trading, and that do not promote or endorse particular investment strategies to customers on an individual basis. Many commenters, after addressing issues raised by the proposal's use of the term ''recommendation,'' suggested that the proposal be limited to a risk disclosure requirement.

In contrast, several commenters believed that the proposed rules should apply to a broader scope of firms and firm activities, such as to any firm that permits or accepts intra-day trading transactions. In this regard, one commenter opined that all firms

promoting, advertising, recommending, or providing their customers with the opportunity to day trade should be required to comply with the rules. Another commenter suggested that the proposed rules should apply to all firms that promote or advertise day-trading activities or that have more than a certain percentage of day-trading accounts.

After considering the comments, NASD Regulation has revised the proposed rule change to apply to those firms that are ''promoting a day-trading strategy.'' This revision should address commenters' concerns that the interpretation of the term ''recommendation'' in the day-trading context could obfuscate use of the term in the general suitability area. By using the concept of ''promoting a day-trading strategy,'' the proposed rule change also would more clearly apply to those situations where a member firm either solicits a person on an individual basis or advertises to the general public.

NASD Regulation has determined not to define ''promoting a day-trading strategy'' for purposes of the proposed rule change. However, NASD Regulation believes that the promotion by a member of efficient execution services or lower execution costs based on multiple trades alone would *not* trigger the requirements under the proposed rule change. In addition, merely providing general investment research or advertising the high quality or prompt availability of such general research would *not* constitute the promotion of day trading under the proposal. Similarly, merely having a Web site that provides general financial information or news or that allows the multiple entry of intra-day purchases and sales of the same securities would *not* constitute the promotion of day trading.

However, a member would be subject to the proposed rule change if it affirmatively promotes day-trading activities or strategies through advertising, training seminars, or direct outreach programs. For instance, a firm generally would be subject to the proposed rule change if its advertisements address the benefits of day trading, rapid-fire trading, or momentum trading, or encourage persons to trade or profit like a professional trader. A firm also would be subject to the proposed rule change if it promotes its day-trading services through a third party. Moreover, the fact that many of a firm's customers are engaging in a day-trading strategy would be relevant in determining whether a firm has promoted itself in this way.

Notably, while the proposed rule change does not define the term ''promoting a day-trading strategy,'' firms could submit their advertisements to NASD Regulation's Advertising Department for review and guidance on whether the content of the advertisement constitutes such activity for purposes of the rule change. As a result, the proposed rule change, as revised, should both limit concerns about any effect of the proposal on the NASD's general suitability rule and allow firms to better determine whether a particular advertisement would trigger the rule prior to publication or distribution of the advertisement.

Persons Covered by the Proposed Rules

Comments also were varied regarding whether any proposed day-trading rules should reach a broader range of customers. One commenter stated that the application of the rules should not be limited to natural persons, but should include ''non-institutional customers'' as defined by NASD Rules. This commenter noted that many day traders have opened accounts under partnership or corporate names and that these customers typically are no more sophisticated than customers who open accounts in their own names. Several commenters also believed that all existing customers should be covered by day-trading rules or, at a minimum, receive a risk disclosure statement. One individual suggested that any proposed day-trading rules should apply to all new day-trading *accounts,* rather than to new customers.

In response to commenter's concerns, NASD Regulation has determined to revise the proposal to apply to all non-institutional customers. For purposes of the proposed rule change, the term ''non-institutional customer'' would mean a customer that does not qualify as an ''institutional account'' under NASD Rule 3110(c)(4). Rule 3110(c)(4) defines ''institutional account'' to mean the account of (1) a bank, savings and loan association, insurance company, or registered investment company; (2) an investment adviser registered either with the SEC under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or agency or office performing like functions); or (3) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million. Applying the proposed rule change to non-institutional customers would ensure that most individuals would be covered by the proposed rule change, regardless of whether they engage in day-trading activities in their own name or in the name of a corporation or partnership. As revised, the proposed rule change would not apply to an existing customer unless the customer opens a new account at a firm that is promoting a day-trading strategy.

Accounts Used For Purposes Other Than Day-Trading Activities

As an alternative to approving an account for a day-trading strategy, the proposed rule change would permit a firm that is promoting a day-trading strategy to obtain from the customer a written agreement that the customer does not intend to use the account for the purposes of day trading (''other-use agreement''). In addition, the firm would be required to provide a risk disclosure statement to the customer even if the firm obtains an other-use agreement. A firm would not be permitted to rely on an other-use agreement if it knows that the customer intends to use the account for day trading. Moreover, if a firm opens an account for a customer in reliance on an other-use agreement, but later knows that the customer is using the account for day-trading activities, then the firm would be required to approve the customer's account for day trading in accordance with the rule as soon as practicable, but in no event later than ten days from the date of discovery.

Elements To Consider in Making Appropriateness Determinations

Commenters also suggested additional elements that a firm should consider in order to assess the appropriateness of a day-trading strategy for an individual. For example, several commenters believed that firms should be required to determine the source of funds that an individual intends to use for day-trading activities. Other commenters, however, voiced concerns that any such requirement would be an invasion of privacy or questioned why this requirement would not apply to all types of brokerage accounts. One individual believed that all persons should be required to meet a minimum net worth standard in order to engage in day trading.

After considering the comments, NASD Regulation has revised the proposed rule change to require a firm that is promoting a day-trading strategy to have reasonable grounds for believing that the strategy is appropriate for the customer and to exercise reasonable diligence to ascertain the essential facts relative to the customer. The proposed rule change continues to require a firm to review the customer's financial situation, prior investment and trading experience, and investment objectives. A firm also would be expressly required

to review the customer's tax status. The proposed rule change, however, would not require firms to determine the source of funds, primarily because of concerns with defining the scope of any such obligation and the risks of imposing disproportionate burdens on firms.

Definition of an Intra-Day Trading Strategy

The proposal set forth in Notice to Members 99–32 defined ''intra-day trading strategy'' to mean ''an overall trading strategy characterized by the regular transmission by a customer of multiple intra-day electronic orders to effect both purchase and sale transactions in the same security or securities.'' Several commenters suggested a broader definition of the term. For example, one commenter stated that the term should include a person who regularly makes only one buy and one sale of a particular security or group of securities on a daily basis. A second commenter believed that the term should include short-term trading strategies that could occur over, for example, a two-day period. Another commenter suggested that the definition include any offer and sale of the same security if the offer and sale are accomplished prior to settlement.

In contrast, one commenter emphasized its belief that the long-standing historical definition of a day trader requires a pattern of day trades, noting that there are legitimate reasons to buy and sell a single security in a single day that are not premised on a day-trading strategy. This commenter suggested that the proposal apply only when a clearly defined and easily identified pattern of activity exists over a considerable period of time. Another commenter expressed a general view that the definition of day trading lacked sufficient clarity, and raised a series of questions regarding the scope of the term, including whether it should include the transmission of orders in a non-electronic environment.

In light of the comments, NASD Regulation has revised the proposed definition of ''day-trading strategy'' to mean ''an overall trading strategy characterized by the regular transmission by a customer of intra-day orders to effect both purchase and sale transactions in the same security or securities.'' NASD Regulation believes that the revised definition would include those instances where an individual regularly transmits one or more purchase and sale (*i.e.*, ''round-trip'') transactions in a single day. In addition, although as a practical matter, day trading typically requires electronic delivery of orders, the proposed definition of ''day-trading strategy'' has been revised to include orders transmitted by non-electronic means, such as by telephone.

Requirement To Provide Day-Trading Risk Disclosure Statement

As discussed above, the proposed rule change would require a firm that is promoting a day-trading strategy to deliver a disclosure statement to the customer discussing the unique risks posed by day trading. The disclosure statement would include several factors that a customer should consider before engaging in day trading, including that the customer should be prepared to lose all of the funds that he or she uses for day trading and that day trading on margin may result in losses beyond the initial investment. The firm would be permitted to develop an alternative risk disclosure statement, provided that the alternative statement was substantially similar to the mandated statement and was filed with, and approved by, NASD Regulation's Advertising Department.

Many commenters agreed that customers should receive additional information on the risks of day trading or other on-line trading activities. One commenter suggested that firms be required to provide a risk disclosure statement to all new individual customers, rather than limit dissemination to individuals to whom firms have recommended a day-trading strategy. In contrast, another commenter believed that it was more effective for the NASD to provide risk disclosures to potential customers in an educational atmosphere, such as the NASD's Web site. Some commenters suggested specific revisions to the proposed risk disclosure statement. In this regard, one commenter proposed that the statement include the language from the text of the Notice that day trading generally would not be appropriate for someone of limited resources and limited investment or trading experience and low risk tolerance. Another commenter expressed concern that the suggestion in the disclosure statement that persons inquire as to a firm's capacity to permit customers to engage in day trading might place an unrealistic obligation on the customer.

Comments generally were divided as to whether customers should be required to acknowledge receipt of the disclosure statement. One commenter believed that a firm should be able to provide a copy of the statement on its Web site or in an initial mailing to the customer at the time of account opening. The commenter stated that the document was a disclosure of risks and not an agreement between the parties. Another commenter asserted that firms should have flexibility in deciding whether to require a customer to sign the statement. In contrast, one commenter emphasized that requiring customers to acknowledge receipt of the statement would protect both the customer and the firm. In addition, one individual suggested that the proposed rules require customers to sign the statement and to wait three days prior to trading to allow for additional reflection and consideration.

After considering the comments, NASD Regulation has modified the proposed rule change to require firms promoting a day-trading strategy to deliver the risk disclosure statement to all non-institutional customers prior to opening an account for such customers. NASD Regulation is not recommending that all firms be required to disseminate the disclosure statement to all new customers because the benefits of such a requirement are unclear. However, NASD Regulation will continue to monitor the growth of day-trading activities to determine whether, in the future, such a requirement might be justified. In addition, NASD Regulation encourages all firms, particularly firms that provide on-line trading capability, to provide the mandated risk disclosure statement or a substantially similar disclosure statement to their customers.

The disclosure statement also has been revised to include the additional key point that day trading generally is not appropriate for persons of limited resources and limited investment or trading experience and low risk tolerance. The provision in the proposed statement that an individual should confirm that a firm has adequate capacity to support day-trading activities has been deleted, in light of concerns that the provision might place undue burdens on the customer.

Comments Suggesting No or Minimal Regulatory Response

Those commenters that opposed any action in the area of day trading generally questioned why day-trading activities merited special regulation. For example, two commenters emphasized that many investments were risky and generally believed that the proposed rules inappropriately targeted day-trading firms. Some commenters also suggested that the proposed rules were paternalistic. Another commenter raised concerns that the proposal unfairly suggested to investors that on-line trading is somehow less scrupulous and more risky than trading through a traditional broker-dealer. This commenter also believed that the

existing regulatory framework provides ample means to combat abuses associated with day trading. In addition, one commenter generally stated that it was premature to attempt regulation of day-trading practices. Several individual commenters, in opposing regulation of day trading, emphasized the benefits of electronic trading and their ability to protect themselves.

As noted above, however, NASD Regulation believes that the proposed rule change focuses on the promotion of trading strategies that present very high risk to individuals and, as revised, should be easier for firms to apply to their activities. Firms that are actively promoting a day-trading strategy should be responsible for assessing whether the strategy is appropriate for an individual who opens a day-trading account at that firm. These firms also should be required to disclose the risks of engaging in a day-trading strategy to an individual prior to opening an account for that individual.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with Section 15A(b)(6) of the Act [3] in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that the proposed rule change codifying the obligation of firms promoting day-trading strategies to disclose the risk of these strategies to non-institutional customers and to determine whether the strategy is appropriate for a customer will help to protect investors and the public interest in an increasingly more sophisticated trading environment.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment in NASD Special Notice to Members 99–32 (April 15, 1999). The comment period expired on May 31, 1999. Thirty-nine comment letters were received in response to the Notice. Copies of the comment letters and a brief summary of the comment letters have been provided to the Commission. Of the 39 comment letters received, approximately 13 were in favor of the proposed rule change, 8 supported risk disclosure only, 12 were opposed to the proposed rule change, and 6 expressed no opinion or addressed broader issues.

[3] 15 U.S.C. 78o–3(b)(6).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In addition, the Commission seeks comment on the following specific issues: (1) whether the proposal should cover existing day-trading accounts; (2) whether the proposed definition of ''day-trading strategy'' is appropriate; (3) whether the proposed risk disclosure statement is adequate; and (4) whether the firm should be required to obtain a customer's acknowledgment of receipt of the risk disclosure document.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–41 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

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[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41871; File No. SR–NYSE–99–32]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Amending Exchange Rule 22(b) Regarding Board and Committee Member Disqualifications

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 1999, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The amendment to Exchange Rule 22(b) codifies the interpretation of the Exchange of the circumstances under which Board and committee members and other persons are obliged to disqualify themselves from participating in matters in which they have a personal interest. The present rule states that no person shall participate in the ''adjudication'' of any matter in which they are personally interested. The proposed amendment to Exchange Rule 22(b) bars participation in the ''consideration, review or adjudication'' of any matter in which a person is personally interested.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 22(b) to codify the Exchange's interpretation of the circumstances under which Board and committee members and other persons are obligated to disqualify themselves from participating in the consideration of matters in which they have a personal interest.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) [3] of the Act in that it promotes just and equitable principles of trade by insuring that Board and committee members and other persons are not participating in matters in which they have a personal interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer perod to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–99–32 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

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[3] 15 U.S.C. 78f(b)(5).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41867; File No. SR–PCX–99–18]

September 13, 1999.

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Facilitation Crosses.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 4, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commissioin'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PCX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to amend PCX Rule 6.47(b), governing Facilitation Crosses, to provide firms with a guaranteed percentage of cross trades when a firm holds an order for a public customer or a broker-dealer (''customer order'') and an order for the proprietary account of a member organization (''facilitation order'') that is representing that customer. The text of the proposed rule change follows. Additions are italicized and deletions are bracketed.

¶4987 ''Crossing Orders''

Rule 6.47 Non-Facilitation (Regular Way) Crosses

(a) No change.

Facilitation Crosses

(b) A Floor Broker who holds an order for a public customer [of a member organization] *or a broker-dealer (''customer order'')* and *an* [facilitation] order *for the proprietary account of a member organization that is representing that customer (the ''facilitation order'')* may cross *those* [such] orders [provided that he proceeds in the following manner.] *only if the following procedures and requirements are followed:*

(1) The size of the customer order subject to facilitation must be at least two hundred (200) contracts.

(2) [(1)] The option order tickets *for* [of] both the facilitation order and the [public] customer order [subject to facilitation] must display all of the terms of such orders, including any [contingency] *contingencies* involving, and all related transactions in, either options or underlying or related securities. *The Floor Broker must disclose all securities that are components of the customer order.*

[(2) The Floor Broker shall disclose all securities which are components of the order subject to facilitation and then shall request bids and offers for the execution of all components of the order, making all persons in the trading crowd, including the Order book Official, aware of his request for a market.]

[(3) After providing an adequate opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer whose order is subject to facilitation, either bid above the highest bid in the market or offer below the lowest offer in the market, identify the order as being subject to facilitation, and disclose all terms and conditions of such order. After all other market participants are given an opportunity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation, the Floor Broker may cross all or any remaining part of such order and the facilitation order at such customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been made, the order subject to facilitation has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order. The order subject to facilitation may not be blocked by revised bids or offers; however, the bid or offer of the order subject to facilitation may be accepted or improved by members in the trading crowd or orders represented in the trading crowd.]

(3) The Floor Broker must request bids and offers for all components of the orders and clearly disclose his intention to execute a facilitation cross transaction to the trading crowd. Once the trading crowd has provided a quote, it will remain in effect until: (A) a reasonable amount of time has passed, or (B) there is a significant change in the price of the underlying security, or (C) the facilitation market has been improved. (The term ''significant change'' will be interpreted on a case-by-case basis by two Floor Officials based upon the extent of recent trading in the option and in the underlying security, and any other relevant factors.)

(4) Once a market has been established and all customer orders represented in the trading crowd have been satisfied, the Floor Broker may cross:

(A) fifty percent (50%) of any remaining contracts at a price between the trading crowd's quoted market (e.g., if the trading crowd's quoted market is 2⅛–2½, and the Floor Broker is representing a customer order to buy 1000 contracts, then the Floor Broker may cross 50% of 1000 at 2¼ or any other improved price); or

(B) twenty-five (25%) of the contracts at the trading crowd's best bid or offer (e.g., if the trading crowd's quoted market size is 500×500, and the Floor Broker is representing a customer order to buy 1000 contracts, then the Floor Broker may cross 25% of 1000 at the trading crowd's best bid or offer).

(5) If the facilitation trade occurs at the LMM's quoted bid or offer in their allocated issue, then the LMM's guaranteed participation level shall apply only to the number of contracts remaining after all customer orders and the firm facilitation order being represented by the Floor Broker have been satisfied pursuant to this rule. If the trade occurs at a price other than the LMM's quoted bid or offer, the LMM is entitled to no guaranteed participation.

(6) The members of the trading crowd who established the facilitation market will have priority over all other orders that were not represented in the trading crowd at the time that the facilitation market was established and will maintain priority over non-customer orders unless the facilitation quote is improved. A Floor Broker who is holding a customer order and a facilitation order and who calls for a facilitation market will be deemed to be representing both the customer order and the facilitation order, so that the customer order and the facilitation order will also have priority over all other orders that were not being represented in the trading crowd at the time that the facilitation market was established.

Crossing of Solicited Orders

(c) No Change.

Commentary .01–.06 No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. Currently, PCX Rule 6.47(b) does not guarantee a firm any cross trades when that firm holds an order for a public customer and a facilitation order for the proprietary account of a member organization that is representing that customer order. The rule states that a Floor Broker holding an order for a public customer and a facilitation order may cross such orders provided he discloses all securities that are components of the order subject to facilitation; requests bids and offers for the execution of all components of the order; and makes all persons in the trading crowd, including the Order Book Official, aware of his request for a market. After providing an adequate opportunity for such bids and offers to be made, the Floor Broker must then identify the order as being subject to facilitation, and disclose all terms and conditions of such order. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation, the Floor Broker may cross all or any remaining part (whatever maybe left after the trading crowd has had an opportunity to trade) of such order and the facilitation order at such customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). The current rule does not guarantee the Floor Broker who brings the customer order to the trading floor any part of the cross trades.

Proposal. The PCX proposes to change PCX Rule 6.47(b), governing facilitation crosses, to provide firms with a guaranteed percentage of cross trades when a firm holds a customer order and a facilitation order. Specifically, for customer orders of at least 200 contracts, the PCX proposes that a Floor Broker representing the orders must disclose all securities that are components of the customer order and must display all of the terms of such orders on the option order tickets for both the customer order and the facilitation order (including any contingencies involving, and all related transactions in, either options or underlying or related securities). The PCX further proposes that the Floor Broker must also request bids and offers for all components of the orders and clearly disclose his intention to execute a facilitation cross transaction to the trading crowd.[3]

The PCX proposes that, once a market has been established and all customer orders represented in the trading crowd have been satisfied, the Floor Broker may cross fifty percent (50%) of any remaining contracts at a price between the trading crowd's quoted market, or twenty-five percent (25%) of the contracts at the trading crowd's best bid or offer.

In addition, the PCX proposes that if the facilitation trade occurs at the LMM's quoted bid or offer in its allocated issue, then the LMM's guaranteed participation level shall apply only to the number of contracts remaining after all customer orders and the firm facilitation order being represented by the Floor Broker have been satisfied pursuant to PCX Rule 6.47(b). If the trade occurs at a price other than the LMM's quoted bid or offer, the LMM is entitled to no guaranteed participation.

Finally, with regard to priority of orders, the PCX proposes that the members of the trading crowd who established the facilitation market will have priority over all other orders that were not represented in the trading crowd at the time that the facilitation market was established and will maintain priority over non-customer orders unless the facilitation quote is

[3] Proposed subsection (b)(3) states that once the trading crowd has provided a quote, it will remain in effect until: (A) A reasonable amount of time has passed or (B) there is a significant change in the price of the underlying security or (C) the facilitation market has been improved. (The term ''significant change'' will be interpreted on a case-by-case basis by two Floor Officials based upon the extent of recent trading in the option and in the underlying security, and any other relevant factors.)

improved. Furthermore, the PCX proposes that a Floor Broker who is holding a customer order and a facilitation order who calls for a facilitation market will be deemed to be representing both the customer order and the facilitation order, so that the customer order and the facilitation order will also have priority over all other orders that were not being represented in the trading crowd at the time that the facilitation market was established.

The Exchange believes that the effect of this rule change will be to provide Market Makers with an additional incentive to quote tighter markets in response to a request for quotes and at the same time encourage member firms to bring their order flow to the PCX options floor. In addition, the Exchange believes that the rule change will provide Floor Brokers with an additional incentive to trade between the quoted bid and ask, thereby passing on the benefits of additional price discovery to customers.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[4] of the Act, in general, and furthers the objectives of Section 6(b)(5)[5] in particular, become it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanisms of a free and open market and a national market system and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. In particular, the Commission seeks comment on whether the proposed rule change will result in fair executions for the various orders and parties represented in the crossing transaction.[6] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–99–18 and should be submitted by October 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24501 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] The PCX has also filed a proposed rule change concerning ''cross-only'' contingency orders (SR–PCX–99–31).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41868; File No. SR–PCX–99–25]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. To Allow Lead Market Makers To Perform Certain Floor Broker Functions

September 13, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to modify its Lead Market Maker (''LMM'') rules to allow an LMM to perform certain Floor Broker functions. The text of the proposed rule change is set forth below. Additions are italicized and deletions are bracketed.

Pacific Exchange, Inc.

Rule 6.82

(a)–(g)—No Change.

(h) LMM Performance of Order Book Official, [and] Market Maker *and Floor Broker* Functions.

(1) LMM Performance of Order Book Official Functions.

(a)–(e)–No Change.

(2) LMM Performance of Market Maker Function.

(a)–No Change.

(3) *LMM Performance of Floor Broker Function.*

(a) LMMs may function in designated option issues as both Market Maker and Floor Broker, and as such, will be exempt from Rule 6.38. In acting as Floor Brokers, LMMs must fulfill their obligation to use due diligence and all other obligations of Floor Brokers pursuant to Rules 6.43 through 6.48.

(b) LMMs may (but are not obligated to) accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers. An LMM may not represent discretionary orders, whether as a Floor

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Broker or otherwise. All orders in the LMM's possession that are eligible to be booked must be booked.

Commentary: .01.–.02.—No Change.

[.03. the provisions of Rule 6.82(h) are subject to a pilot program, which is set to expire on October 12, 1998.]

.03. [.04.]—No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. In October of 1996, the Commission approved a PCX pilot program that allowed LMMs to perform all functions of the Order Book Official (''OBO'') in designated option issues pursuant to PCX Rules 6.51 through 6.59.[3] The Commission approved the PCX pilot program on a permanent basis on July 2, 1999.[4]

Proposal. The Exchange now proposes to modify its LMM rules to allow an LMM to perform certain Floor Broker functions in addition to OBO and Market Maker functions.[5] First, the Exchange proposes that, in acting as Floor Broker, LMMs must fulfill their obligation to use due diligence and perform all other obligations of Floor Brokers pursuant to PCX Rules 6.43 through 6.48. Second, the Exchange proposes that LMMs may, but are not obligated to, accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and LMMs may represent such orders as Floor Brokers.[6] Third, the Exchange proposes that an LMM may not represent discretionary orders, whether as a Floor Broker or otherwise. Finally, all orders in the LMM's possession that are eligible to be booked must be booked.

The Exchange proposes these rule changes for competitive reasons. Specifically, the Exchange seeks to provide its LMMs with the flexibility needed to compete with Specialists and Designated Primary Market Makers (''DPMs'') on other national securities exchanges.[7] The Exchange believes that the proposed rule change will allow LMMs to provide customers with a greater level of service than currently provided. The Exchange further believes that the proposal will help LMMs to better compete with DPMs and Specialists with respect to rates charged to customers for the execution of their orders.

Finally, with respect to the restrictions on the types of orders that the LMM may represent as a Floor Broker, the Exchange notes that the restrictions are consistent with applicable rules of competing exchanges.[8]

2. *Statutory Basis*

The Exchange believes that this proposal is consistent with Section 6(b)[9] of the Act, in general, and Section 6(b)(5)[10] of the Act, in particular, in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PCX consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal offices of the PCX. All submissions should refer to File No. SR–PCX–99–25 and should be submitted by October 12, 1999.

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[3] *See* Securities Exchange Act Release No. 37810 (Oct. 11, 1996), 61 FR 54481 (Oct. 18, 1996). Under the pilot program, LMMs were also required to perform all obligations of Market Makers provided in PCX Rules 6.35 through 6.40 and 6.82(c).

[4] *See* Securities Exchange Act Release No. 41595 (July 2, 1999), 64 FR 38064 (July 14, 1999).

[5] The PCX proposed rule change is similar to Chicago Board Options Exchange Rule 8.80(c)(8). *See infra* note 8.

[6] As explained by PCX, the eligibility of orders to be placed in the Public Order Book is determined by reference to PCX Rule 6.52(a), which governs the types of orders that Order Book Officials may accept. Such orders, as indicated in the Rule, ''shall include limit orders * * * and such other orders as may be designated by the Options Floor Trading Committee.'' According to PCX, the Committee has not designated any additional types of orders that may be accepted by Order Book Officials. Orders not eligible for the Public Order Book would include, for example, contingency orders, spread orders, straddle orders, and combination orders, among others. Telephone conversation between Robert P. Pacileo, Attorney, PCX, and Ira L. Brandriss, Attorney, Division of Market Regulation, Commission, on August 6, 1999.

[7] The proposed rule change will generally allow PCX LMMs to perform the same functions that DPMs on the Chicago Board Options Exchange (''CBOE'') may perform.

[8] *See, e.g.,* CBOE Rule 8.80. CBOE Rule 8.80(c)(8) states that DPMs may, but are not obligated to accept non-discretionary orders that are not eligible to be placed in the Public Order Book, and DPMs may represent such orders as Floor Brokers. A DPM may not represent discretionary orders, whether as a Floor Broker or otherwise and all orders in the DPM's possession that are eligible to be booked must be booked.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–24502 Filed 9–20–99; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before November 22, 1999.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gayle Baker, Program Analyst, Office of the ADA/Entrepreneurial Development, Small Business Administration, 409 3rd Street, SW, Suite 6200, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gayle Baker, Program Analyst, 202–205–6706 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: ''ED/MIS''.

Form No: N/A.

Description of Respondents: Clients served by SBA resource partners in the Score, OSCS, BIC, Tribal BIC, WBC and Veterans Programs.

Annual Responses: 500,000.

Annual Burden: 33,500.

Dated: 9/13/99.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99–24538 Filed 9–20–99; 8:45 am]

BILLING CODE 4410–18–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3208]

State of Texas; (Amendment #1)

In accordance with notices from the Federal Emergency Management Agency dated September 3 and 7, 1999, the above-numbered Declaration is hereby amended to include Jim Hogg and San Patricio Counties in the State of Texas as a disaster area due to damages from severe storms and flooding caused by Hurricane Bret that occurred August 21–26, 1999.

In addition, applications for economic injury loans from small businesses located in Bee County, Texas, a contiguous county, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is October 20, 1999, and for economic injury the deadline is May 30, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–24536 Filed 9–20–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3210]

Commonwealth of Virginia

As a result of the President's major disaster declaration on September 6, 1999, I find that the Independent City of Hampton, Virginia constitutes a disaster area due to damages caused by Tropical Storm Dennis and tornadoes beginning on August 27, 1999, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 4, 1999, and for loans for economic injury until the close of business on June 6, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303

In addition, applications for economic injury loans from small businesses located in the contiguous Independent Cities of Newport News and Poquoson, and the contiguous county of York in the Commonwealth of Virginia may be filed until the specified date at the above location.

The interest rates are—	
For Physical Damage:	Percent
Homeowners With Credit Available Elsewhere	7.250
Homeowners Without Credit Available Elsewhere	3.625
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned to this disaster are 321012 for physical damage and 9E4600 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–24537 Filed 9–20–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

Office of Mexican Affairs; Notice of Issuance of a Finding of No Significant Impact With Regard to the Issuance of a Presidential Permit for the Cox Communications Underground Fiber-Optic Link, San Diego, California

[Public Notice No. 3124]

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a Finding of No Significant Impact on the human environment within the United States for the underground fiber-optic link project sponsored by Cox Communications, Inc. of San Diego, California. A draft Environmental Assessment of the proposed underground fiber-optic link was prepared by Tetra Tech, Inc. for the sponsor, Cox Communications, Inc. of San Diego, California.

The draft Final Environmental Assessment was then reviewed by numerous federal and state agencies. Each such ''cooperating agency'' has approved or accepted the draft Final Environmental Assessment.

Based upon the Department's independent review of the draft Final Environmental Assessment, comments received during its preparation and comments received by the Department from federal and state agencies including measures which are proposed to be taken to prevent and/or mitigate

[11] 17 CFR 200.30–3(a)(12).

potentially adverse environmental impacts which the Sponsors intend to take, the Department has concluded that issuance of a Presidential Permit authorizing construction of the proposed Cox Communications underground fiber-optic link would not have a significant impact on the quality of the human environment within the United States. Accordingly, a finding of no significant impact is adopted and an EIS will not be prepared.

ADDRESSES: Copies of the Presidential Permit may be obtained from Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, D.C. 20520, telephone (202) 647–8529. A copy of the Department's Final Environmental Assessment is available for inspection in Room 4258 of the Department of State during normal business hours.

SUPPLEMENTARY INFORMATION: The proposed action is to grant a Presidential Permit to Cox Communications of San Diego, California (hereinafter referred to as ''permittee''), for the construction of an underground fiber-optic link from San Diego, California, to Tijuana, Baja California, Mexico. A draft Environmental Assessment of the proposed fiber-optic tunnel which permits the cable to run beneath the U.S.-Mexico boundary was prepared by Tetra Tech, Inc. of San Diego, California, on behalf of the permittee, under the guidance and supervision of the Department of State. The Department of State placed a notice in the **Federal Register** (November 13, 1998, 63 FR 63520) regarding the availability for inspection of Cox's Permit application and the draft Environmental Assessment. No public comments were received.

Seventeen federal and state agencies independently reviewed the draft Environmental Assessment. They were: the Immigration and Naturalization Service, the United States Customs Service, the Food and Drug Administration, the Animal and Plant Health Inspection Service (of the Department of Agriculture), the General Services Administration, the International Boundary and Water Commission (United States Section), the Department of Defense, the Federal Highway Administration and the United States Coast Guard (of the Department of Transportation), the Federal Emergency Management Agency, the Department of the Interior, the Department of Commerce, the Environmental Protection Agency, the Department of Justice, the Council on Environmental Quality, the Department of State and the California Department of Transportation. Because the land where construction is proposed to take place is owned by a federal government agency (the United States Section of the International Boundary and Water Commission), the draft Environmental Assessment was not subject to review under the California Environmental Quality Act. All comments received from these agencies were responded to directly or by expanding the analysis contained in this assessment.

This draft Final Environmental Assessment, the comments submitted by the agencies, the responses to these comments, and all correspondence between the agencies and the permittee addressing the agencies' concerns, together constitute the Final Environmental Assessment of the proposed action by the Department of State.

The Department of State (the Department) is charged with issuance of Presidential Permits for the construction of international bridges between the United States and Mexico under the International Bridge Act of 1972, 86 Stat. 731; 33 U.S.C. § 535 *et seq.*, and Executive Order 11423, 33 Fed. Reg. 11741 (1968), as amended by Executive Order 12847 of May 17, 1993, 58 Fed. Reg. 29511 (1993). On January 22, 1998, the Undersecretary of State for Economic, Business and Agricultural Affairs determined that international fiber-optic links, the construction of which involve tunnels under the United States-Mexico border, require Presidential Permits. Based on the Final Environmental Assessment, including measures which are proposed to be taken to prevent or mitigate potentially adverse environmental impacts and which the permittee intends to take, and information developed during the review of the permittee's application, the Department of State has concluded that issuance of the Presidential Permit authorizing construction of the fiber-optic link will not have a significant impact on the quality of the human environment within the United States.

Summary of The Environmental Assessment

Cox Communications of San Diego, California, has applied to the Department for a Presidential Permit to build an underground tunnel carrying fiber optic cables in the San Ysidro-Tijuana area, just north of the U.S.-Mexico International Border Fence and just south of a secondary concrete pillar fence. The boundary crossing site is located in an area that is not open to the public and is used by the United States Border Patrol, owned by the United States Section of the International Boundary and Water Commission and located within the corporate boundaries of the City of San Diego.

The fiber optic line will extend a cable overhead to the U.S.-Mexican border by placing the cable on the existing utility poles owned by San Diego Gas and Electric. Cox will place an additional 45-foot long pole at a point 12 feet north of the border wall and at a depth in the ground of 10 feet. Cox will place an anchor rod six feet south of the new pole; at the new pole, Cox will use a backhoe to dig a trench 32 feet east with the dimensions of one foot wide by five feet deep. At the end of the trench, Cox will shoot an eight-inch diameter directional bore south under the border wall at a depth of ten feet for a distance of 130 feet to the pole on the Mexican side at Martinez Street. Conduit will be placed in the trench. The cable will be pulled through the conduit to the Mexican side.

The fiber optic line, the first of its kind in a tunnel across the U.S.-Mexican border, will provide a communication link between San Diego and Tijuana. Initially, the connection will allow an interactive/broadcast quality/live, video connection to be activated between San Diego State University and a university in Tijuana.

Other uses for the connection could include: Video connectivity between the offices of the Mayors of San Diego and Tijuana; Transporting network television programming between cable systems; Linking together television stations to provide connections for late-breaking news stories such as storms, traffic congestion, etc.; Transporting high speed Internet access across the border; Providing telephony traffic back and forth across the border; Linking ''sister'' factories on both sides of the border with data connections.

The Alternatives

The Department considered four alternatives:

1. The ''No Action'' alternative;
2. Constructing the fiber optic cable line underground along the entire alignment;
3. Constructing the fiber optic cable line above-ground along the entire alignment;
4. Constructing the fiber optic cable line both aboveground and underground using primarily existing facilities.

The First Alternative, the ''No Action'' alternative, would eliminate any potential adverse environmental impacts associated with the proposed construction, but would not achieve the objective of providing a high-tech fiber

optic link between San Diego and Tijuana.

The Second Alternative, constructing the fiber optic cable line underground along the entire alignment, would involve constructing underground facilities where no facilities currently exist.

The Third Alternative, constructing the fiber optic cable line above-ground along the entire alignment, would involve constructing aboveground facilities where no facilities currently exist.

The Fourth Alternative, constructing the fiber optic cable line both aboveground and underground using primarily existing facilities, is the permittee's preferred alternative. Temporarily, potentially significant noise impacts, minor, temporary impacts to air quality and temporary, local impacts on recreation (temporary disruption of use of a bike lane), and traffic and socioeconomic effects (temporary partial disruption of access to businesses) have been identified for the Second, Third and Fourth Alternatives. Because the Fourth Alternative would use the greatest amount of existing infrastructure to contain the new cable line, resulting in less construction time than the other two alternatives, environmental impacts would likely be less under the Fourth Alternative than under the Second and Third Alternatives.

The draft Environmental Assessment submitted by the permittee in support of its application provides information on the environmental effects of the construction of the underground tunnel. On the basis of the Environmental Assessment and information developed by the Department and other federal and state agencies in the process of reviewing the draft Environmental Assessment, the Department arrived at the following conclusions on the likely impact of construction at the proposed location:

Wetlands

The permittee apprised the U.S. Army Corps of Engineers (Corps) of the proposed project in a letter dated February 10, 1997. This letter contained a project description and project map. The Corps responded on May 7, 1997, setting forth its determination that the proposed project would not discharge dredged or fill material into waters of the United States or an adjacent wetland. The Corps further indicated that the proposed project is not subject to Corps jurisdiction under Section 404 of the Clear Water Act, and a Section 404 permit would not be required. The Corps response letter is included in the Environmental Assessment.

Threatened and Endangered Species

The Department considered possible impacts of the project on federally protected species. Cox accessed the California Natural Diversity Data Base (CNDDB) for the Imperial Beach USGS 7.5 minute quad mapping area. The CNDDB contains historic records of occurrence of sensitive biological resources. These computer records, dated December 12, 1997, revealed a number of sensitive species that could be present in the Tijuana River Valley area. A biological field survey was conducted at the project site on June 9, 1998 to characterize the habitat present and evaluate the potential occurrence of sensitive species and sensitive habitat types. An additional survey was conducted on July 4, 1998. Based on the lack of habitat, the sensitive species identified during the CNDDB search are not expected to be present at the project site.

Examples of sensitive species known to occur in the region, but not expected to occur at the site due to a lack of appropriate habitat, include the Least Bell's Vireo and Arroyo Toad (on the federal endangered species list); the Coastal California Gnatcatcher (on the federal threatened species list); and the Western Spadefoot, San Diego Horned Lizard, Orange-Throated Whiptail, Coastal Cactus Wren, San Diego Desert Woodrat and Many-Stemmed Dudleya (on the federal species of concern list).

Land Use

The proposed site is located in an area that is not open to the public, and which is used by the United States Border Patrol. Border Patrol agents typically patrol the area between the two fences using sport utility vehicles, and often park their vehicles along the access road located just north of the border crossing site in order to discourage illegal border crossing attempts. The land at the border crossing site is owned by the United States Section of the International Boundary and Water Commission. The proposed fiber optic cable line alignment would be constructed along existing overhead transmission lines or existing underground transmission facilities that traverse existing residential and commercial land uses. There are an estimated 18 businesses and 586 residences located along the proposed fiber optic alignment, on both sides of the streets. Most residences are multi-family attached units and mobile homes. An elementary school that serves about 700 students is located in the area.

The border crossing site is an area of disturbed land that is maintained in a cleared and graded condition, and sustains heavy off-road vehicle use. It is devoid of structures and vegetation. The project would add only one new utility pole. All other facilities would be placed in an underground trench or would be accommodated on an existing SDG&E utility pole. Construction duration is expected to be relatively short-term—less than one week. As such, no significant impacts to aesthetic resources at the border crossing site are anticipated.

River Channel and Floodplains

The Tijuana River is located approximately 100 meters to the north of the project area. Variable rainfall produces variable flow characteristics, and the river does shift widely across the valley floor. However, a high levee located south of the river overlooks the border crossing site and provides protection from flooding.

Air Quality

The San Diego Air Basin is designated as a non-attainment area with respect to ozone standards (a level of non-attainment is classified as being ''serious''), carbon monoxide standards (west San Diego County only) and the California state suspended particulate matter standard. Land uses considered to be sensitive receptors relative to air pollutant emissions typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. No sensitive receptors are located at the border crossing site.

The nearest sensitive receptors relative to air pollutant emissions include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality.

Historical and Archeological Resources

A record search was conducted by the South Coast Information Center on February 24, 1997, at the request of the permittee. This search revealed that a portion of the project area had been previously inventoried, and that no cultural resources had been identified.

On June 9, 1998, a cultural resources and paleontological survey with limited subsurface testing was conducted at the border crossing site. The primary purpose of the survey and subsurface testing was to determine whether cultural and paleontological resources exist in the ground disturbance portion of the project area that could be adversely affected by the placement of the pole and associated buried fiber optic cable. The entire area subject to surface disturbance, as well as a buffer area, was examined for the presence of both prehistoric and historic archaeological resources, and paleontological resources. A total of eight 12-centimeter-diameter auger test holes were excavated. No archaeological, historic or paleontological resources have been identified at the border crossing site.

During the June 1998 survey, a spot check was made at a utility pole at the southeast corner of Willow Road and Camino de la Plaza where a small excavation immediately adjacent to the pole is proposed. No evidence of cultural or paleontological resources was observed at this location. No historical resources are located along the proposed fiber optic cable line alignment.

Noise

The border crossing site is located within open space land that is used by the Border Patrol for control of illegal immigration. It is disturbed land with no structures. Like air quality pollutants, land uses considered to be sensitive receptors relative to noise typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. There are no sensitive noise receptors present in the vicinity of the border crossing site on the U.S. side of the international border.

The nearest sensitive receptors relative to noise include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for noise.

Environmental Justice

The border crossing site is located on vacant land. No businesses or residences exist on or near the site on the U.S. side of the border. The population of Census Tract 100.09, which contains all of the border crossing site and the majority of the proposed fiber optic cable line alignment, was 4,584 as of January 1, 1998. According to a population estimate of the census tract by ethnicity, the population of the census tract is 87.8% of Hispanic origin, 5.6% White, 5.4% Black and 1.2% Asian/Other.

The median household income for the census tract was $14,495 as of January 1, 1998. The largest percentage of households (30.0%) consisted of those in the $10,000–$14,999 income range, while 1.5% of households earned $50,000–$74,999 and none earned over $75,000.

The population of the City of San Diego as a whole was 1,224,848 as of January 1, 1998. According to a population estimate by ethnicity, the population of San Diego is 24.3% of Hispanic origin, 54.7% White, 8.7% Black and 13.2% Asian/Other.

The median household income for the City was $40,974 as of January 1, 1998. The largest percentage of households (19.8%) consisted of those in the $50,000–$74,999 income range, while 6.1% of households earned $10,000–$14,999 and 8.2% earned under $10,000.

The general make-up of the population of the census tract containing the border crossing site is low-income and of Hispanic origin. No disproportionately high and adverse human health or environmental impacts on minority populations, low-income populations, or Native American Indian tribes are likely to result from construction or operation of the proposed fiber optic project.

Cumulative Impacts

Construction and operation of the proposed fiber optic cable project will not result in significant cumulative impacts. The proposed project would have no adverse impact on land use, recreation, biological resources, cultural resources, geotechnical hazards or environmental justice. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality, traffic and socioeconomics (temporary partial disruption of access to local businesses). Temporary, unavoidable, local, construction-related, potentially significant impacts have been identified for noise, but these can be reduced to a level that is less-than-significant through successful application of the recommended mitigation measures. Mitigation is also recommended for air quality to further reduce the level of impact.

Conclusion

On the basis of the Environmental Assessment, the Department's independent review of that Assessment, information developed during the review of the application and Environmental Assessment, and comments received, it appears that none of the alignment alternatives (i.e. alternatives 1–4, described above) would have a significant impact on the human environment within the United States. Accordingly, a Finding of No Significant Impact (''FONSI'') is adopted and an environmental impact statement will not be prepared.

Dated: September 14, 1999.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs.

[FR Doc. 99–24579 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice No. 3125]

Office of Mexican Affairs; Notice of Issuance of a Presidential Permit to Cox Communications, Incorporated To Construct, Operate and Maintain an International Underground Tunnel at the International Boundary Between the United States and Mexico

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a Presidential Permit to Cox Communications, Incorporated to construct, operate and maintain an international underground tunnel at the international boundary between the United States and Mexico. The permit was issued August 31, 1999, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993.

ADDRESSES: Copies of the Presidential Permit may be obtained from Mr. David

E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, D.C. 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION: Notice of the application by Cox Communications, Incorporated to construct, operate and maintain an international underground tunnel at the international boundary between the United States and Mexico between San Diego, California and Tijuana, Baja California, Mexico was published in the **Federal Register** on November 13, 1998 at 63 FR 63520.

The tunnel will measure eight inches in diameter, 130 feet in length and be dug at a depth of ten feet. It will carry fiber optic cables.

The application for the Presidential Permit was reviewed and approved by numerous federal, state and local agencies. The final application and environmental assessment, which resulted in a finding by the Department of State of no significant impact (''FONSI'') on the human environment, were reviewed and approved or accepted by the Immigration and Naturalization Service, General Services Administration, Department of Interior, Department of Agriculture, Department of Commerce, U.S. Customs Service, U.S. Coast Guard, Federal Highway Administration, Food and Drug Administration, International Boundary and Water Commission—U.S. Section, Department of Defense, Environmental Protection Agency, Department of State and the California Department of Transportation.

Dated: August 31, 1999.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs.

[FR Doc. 99–24580 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

Inspector General

[Public Notice 3123]

State Department Performance Review Board Members (Office of Inspector General)

In accordance with section 4314(c)(4) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Office of Inspector General of the Department of State has appointed the following individuals to its Performance Review Board register.

Lloyd W. Pratsch, Procurement Executive, Bureau of Administration, Department of State

Dennis Duquette, Deputy Inspector General for Management and Policy, Department of Health and Human Services

John Canaan, Assistant Inspector General for Investigations, Department of Defense

Dated: September 13, 1999.

Jacquelyn L. Williams-Bridgers,

Inspector General.

[FR Doc. 99–24526 Filed 9–20–99; 8:45 am]

BILLING CODE 4710–42–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33466]

Borough of Riverdale—Petition for Declaratory Order—The New York, Susquehanna and Western Railway Corporation

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of opening of declaratory order proceeding.

SUMMARY: The Surface Transportation Board has issued a decision in a case involving the Borough of Riverdale, NJ and The New York, Susquehanna and Western Railway Corporation instituting a declaratory order proceeding to address preemption issues. To provide guidance, the decision also summarizes various decisions concerning the reach of the express preemption in 49 U.S.C. 10501(b).

DATES: The New York Susquehanna and Western Railway Corporation and the Borough of Riverdale should file respective opening statements addressing the preemption issues by November 9, 1999. Other interested persons may file comments by December 9, 1999. The New York, Susquehanna and Western Railway Corporation and the Borough of Riverdale may file replies by December 29, 1999.

ADDRESSES: Send an original plus 10 copies of any comments, referring to STB Finance Docket No. 33466, to the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Evelyn Kitay at (202) 565–1563 [TDD for the hearing impaired (202) 565–1695.]

Additional information is contained in the Board's decision. To obtain a copy of the decision, contact D.C. News & Data, 1925 K Street, NW., Washington, DC 20423, phone (202) 289–4357 or visit the Board's website at ''WWW.STB.DOT.GOV''.

Decided: September 10, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24576 Filed 9–20–99; 8:45 am]

BILLING CODE 4915–00–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: ''Edouard Manet: The Still-Life Paintings''

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the ''Bouquet of Lilacs in a Vase,'' to be included in the exhibit ''Edouard Manet: The Still-Life Paintings,'' imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the object at the Walters Art Gallery, Baltimore, Maryland, from on or about January 21, 2001, to on or about July 29, 2001, and at a subsequent venue or venues yet to be determined, is in the national interest. Public notice of these determinations in ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Ms. Lorie Nierenberg, Assistant General Counsel, Office of the General Counsel, 202/619–6084. The address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

Dated: September 13, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–24489 Filed 9–20–99; 8:45 am]

BILLING CODE 8230–01–M

federal register

Tuesday
September 21, 1999

Part II

The President

Proclamation 7222—Citizenship Day and Constitution Week, 1999

Proclamation 7223—Ovarian Cancer Awareness Week, 1999

Federal Register
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Tuesday, September 21, 1999

Presidential Documents

Title 3—

The President

Proclamation 7222 of September 16, 1999

Citizenship Day and Constitution Week, 1999

By the President of the United States of America

A Proclamation

The Constitution is perhaps our Nation's most cherished document, the compass that has helped us chart America's course toward freedom, human dignity, and democracy for more than 200 years. Its text, born of the genius and idealism of our Founders and hammered out through hard effort and compromise by the delegates to the Constitutional Convention, established a system of government capable of responding to the pressures of social and political change. It created a sacred covenant that continues to bind all our citizens by a set of principles based on the ideals of equality, inclusion, and independence and by a delicate balance of powers, rights, and responsibilities among citizens and their State and Federal Governments. Today, sustained by the efforts and sacrifices of generations of Americans, the U.S. Constitution remains as strong and vibrant a charter of freedom as it was at the time of its signing 212 years ago.

The 20th century has witnessed a great wave of migration of men and women to our Nation from all parts of the globe, attracted by the freedom, justice, and rule of law guaranteed by our Constitution. As they assume the responsibilities of American citizenship, they infuse our political process with fresh perspectives and enthusiasm and prove to the world that a diverse people can live in peace and progress. Today we are a Nation with new hopes, new dreams, and new people, but we are united by a devotion to the same democratic ideals that have guided us for over 200 years.

As we reflect upon America's past, we recognize that our country is still in the act of becoming the ''more perfect union'' envisioned by our Founders. Every generation of Americans has struggled to live up to our Nation's promise, working to overcome forces of fear or ignorance or prejudice that would seek to deny the rights of others because of their gender, race, religion, sexual orientation, or disability. The 21st century may bring new challenges to the rights and liberties of American citizens, but we can be confident that the Constitution will still light a clear and shining path of freedom and justice into the future.

During Citizenship Day and Constitution Week, let us recognize the great efforts not only of our leaders, but also of ordinary Americans who labor daily to uphold and strengthen the ideals embodied in our Constitution. Whether citizens by birth or choice, we share the blessings guaranteed to us by the Constitution and the responsibility of ensuring that those blessings are extended to all our people equally.

In commemoration of the signing of the Constitution and in recognition of the importance of active, responsible citizenship in preserving the Constitution's blessings for our Nation, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as ''Citizenship Day,'' and by joint resolution of August 2, 1956 (U.S.C. 159), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 17, 1999, as Citizenship Day and September 17 through September 23, 1999, as Constitution Week. I call upon Federal, State, and local officials, as well as leaders of civic, educational, and religious organizations, to conduct meaningful ceremonies and programs in our schools, houses of worship, and other community centers to foster a greater understanding andappreciation of the Constitution and the rights and duties of citizenship. I also call on all citizens to rededicate themselves to the principles of the Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–24781
Filed 9–20–99; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7223 of September 17, 1999

Ovarian Cancer Awareness Week, 1999

By the President of the United States of America

A Proclamation

Ovarian cancer is a devastating disease that takes the lives of thousands of women in our Nation each year. Since 1985, there has been a dramatic increase in the incidence of ovarian cancer, with a 30 percent increase in the number of women diagnosed with the disease and an 18 percent increase in the number of fatalities. Ovarian cancer is particularly deadly, killing nearly 15,000 women each year. It is often not diagnosed until the cancer is in the late stages of development, limiting the effectiveness of treatment and reducing the chances of survival. In its late stages, the chances of survival from ovarian cancer are just 25 percent; when it is detected early, before the cancer spreads, the survival rate exceeds 90 percent.

Our most effective weapon in the battle against ovarian cancer is early detection. Subtle but recognizable symptoms, such as bloating, vague abdominal pain and discomfort, gastrointestinal problems, back pain, and fatigue can also be symptoms of other less serious illnesses, but women who are experiencing such early warning signs should consult their doctors immediately for appropriate tests.

Doctors and researchers have identified factors that put women at higher risk of developing ovarian cancer, including a family history of breast and ovarian cancer, a high fat diet, never having had children, or infertility. It is vital that women learn about risk factors and visit their doctors regularly.

As we observe Ovarian Cancer Awareness Week, let us build on our efforts to eradicate this serious disease and urge all American women and their families to learn more about ovarian cancer, its symptoms, and available methods that may reduce the risk of developing it. By increasing awareness of early warning signs and risk factors, maintaining a healthy diet, and consulting regularly with health care professionals, women across America can lead healthier and longer lives and help our Nation win the fight against ovarian cancer.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 19 through September 25, 1999, as Ovarian Cancer Awareness Week. I encourage the American people to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton

[FR Doc. 99–24782
Filed 9–20–99; 8:45 am]
Billing code 3195–01–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 211/P.L. 106–48
To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley United States Courthouse'', and the plaza at the south entrance of such building and courthouse as the ''Walter F. Horan Plaza''. (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106–49
Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106–50
Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

H.R. 1664/P.L. 106–51
Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106–52
Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106–53
Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106–54
For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106–55
To amend the International Religious Freedom Act of

1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)

Last List August 18, 1999

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