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NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1301

Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Final rule.

SUMMARY: The Northeast Dairy Compact Commission extends the exemption from the over-order obligation for fluid milk sold in eight-ounce containers distributed by handlers under open and competitive bid contracts and sold by School Food Authorities in New England through the operation of the Over-order Price Regulation. The prior regulation authorizing the school milk exemption will expire at the conclusion of the 1998–1999 school year.

EFFECTIVE DATE: July 1, 1999.

ADDRESSES: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941, or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

I. Background

The Northeast Dairy Compact Commission (''Commission'') was established under authority of the Northeast Interstate Dairy Compact (''Compact''). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 93–57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and adopted a compact over-order price regulation on May 30, 1997.[1] The Commission subsequently amended and extended the compact over-order price regulation.[2] In 1998, the Commission further amended specific provisions of the over-order price regulation, including the adoption of the school milk exemption regulation and the establishment of a reserve account for reimbursement to School Food Authorities.[3] The current compact over-order price regulation is codified at 7 CFR Chapter XIII. The school milk exemption is codified at 7 CFR 1301.13(e).[4]

Article V, Section 11 of the Compact delineates the administrative procedure the Commission must follow in deciding whether to adopt or amend a price regulation. That section requires the Commission to conduct an informal rulemaking proceeding governed by section four of the federal Administrative Procedures Act (''APA''), as amended, 5 U.S.C. 553, to provide interested persons with an opportunity to present data and views. The informal rulemaking proceeding must include public notice and opportunity to participate in a public hearing and to present written comment. In addition, section 553(d) of the APA provides that ''publication or service of a substantive rule shall be made not less than 30 days before its effective date,'' subject to several enumerated exceptions, including situations where the agency finds ''good cause'' for dispensing with this requirement. *See,* 5 U.S.C. 553(d)(3). The Commission finds that there is good cause for dispensing with the 30-day waiting period of § 553(d) because compliance is impracticable, unnecessary, and contrary to the public interest.

The Commission emphasizes that this rule merely extends the current exemption adopted by the Commission after a comprehensive administrative process, including public hearing, notice-and-comment rulemaking, and a producer referendum, as well as a full 30-day notice period prior to the effective date. *See,* 63 FR 10104 (Feb. 27, 1998).

The Commission extends the exemption of school milk sold by School Food Authorities in eight-ounce containers through the operation of the Over-order Price Regulation, to be effective July 1, 1999, the beginning of the next school year. As with the exemption for the 1998–1999 school year, the extension will be implemented through a memorandum of understanding between the Commission and the appropriate state agencies. Continuation of the memorandum of understanding process allows the Commission and the state agencies to make any improvements in the implementation of the reimbursement program based on the experience of the current year.

The Commission held a public hearing to receive testimony on the proposal to extend the regulation exempting school milk from the over-order obligation on April 7, 1999 and additional comments were received until April 21, 1999.[5] The Commission held a deliberative meeting on May 5, 1999 to consider the testimony and

[1] 62 FR 29626 (May 30, 1997).

[2] 62 FR 62810 (Nov. 25, 1997).

[3] 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); and 63 FR 65517 (Nov. 27, 1998).

[4] The regulation provides: ''Effective April 1, 1998, all fluid milk distributed by handlers in eight-ounce containers under open and competitive bid contracts for the 1998–1999 contract year with School Food Authorities in New England, as defined by 7 C.F.R. 210.2, to the extent that the school authorities can demonstrate and document that the costs of such milk have been increased by operation of the Compact Over-order Price Regulation. In no event shall such increase exceed the amount of the Compact over-order obligation. Documentation of increased costs shall be in accordance with a memorandum of understanding entered into between the Compact Commission and the appropriate state agencies not later than May 1, 1998. The memorandum of understanding shall include provisions for certification by supplying vendor/processors that their bid and contract cost structures do in fact incorporate the over-order price obligation, in whole or in part, and provisions for defining the components of cost structure to be provided in support of such certification. The memorandum shall also establish the procedure for providing reimbursement to the school food service programs, including the scheduling of payments and the amount to be escrowed by the Commission to account for such payments.'' 7 CFR 1301.13(e).

[5] 64 FR 12769 (March 15, 1999).

comments received.[6] Based on the oral testimony and written comments received, the Commission hereby amends the current Over-order Price Regulation to extend the exemption for fluid milk sold in eight-ounce containers distributed by handlers under open and competitive bid contracts and sold by School Food Authorities in New England through operation of the price regulation.

II. Summary and Analysis of Issues and Comments

The Commission's Regulations Administrator, Carmen Ross, testified at the public hearing on April 7, 1999 and explained the issue and why the proposed amendment was needed. Mr. Ross testified that the current exemption regulation will expire at the end of the 1998–1999 school year.[7] The current regulation exempts fluid milk ''sold by School Food Authorities in New England in eight-ounce containers, distributed by handlers under open and competitive bid contracts'' for the 1998–1999 contract year.[8] Mr. Ross further explained that no other provision of the exemption regulation would be altered.[9]

A total of three individuals submitted oral and/or written public comments and all commenters generally supported the proposed extension of the school milk exemption.[10] One commenter expressed support for the continuation of the exemption for the school milk program.[11]

Another commenter emphasized the importance of the school lunch programs in providing proper nutrition to children.[12] This commenter also noted that the ''stability in price that the Compact provides should assist school lunch programs in providing milk as part of the School Breakfast and Lunch programs.'' [13] Finally, this commenter referenced his prior testimony in the original school milk exemption rulemaking process in January 1998 and reiterated his support for the exemption to the extent the costs can be documented and attributable to the Compact Over-order Price Regulation.[14]

The third commenter also expressed general support for the continuation of the school milk exemption program.[15] This commenter referenced his prior testimony in the original school milk exemption rulemaking proceeding and reiterated the concerns expressed at that time.[16] This commenter explained that ''the Compact price only becomes effective when farm milk prices have collapsed well below the costs of milk production for most farmers. A school lunch exemption mandates that farmers will then be subsidizing milk to all school children at below their costs'' and recommended that the ''Commission consider developing a program that specifically targets the neediest children rather than a broad exemption that subsidizes all children at all income levels.'' [17]

The Commission concludes that extension of the school milk exemption program, without further modification, is appropriate for all the same reasons the program was instituted initially.[18] The Commission notes that the extension of the exemption regulation retains the requirement that eligible school food authorities demonstrate and document that the costs of milk in eight-ounce containers has been increased by operation of the Compact Over-order Price Regulation. The Commission extends the exemption, without reference to the student's income, due to the revenue structure of the school food service programs. In the original findings accompanying the school milk exemption, this decision was explained as follows:

> The exemption is made applicable to all milk sold by school food service programs, rather than only milk qualified for reimbursement under federal child nutrition programs. According to the comment, the reimbursements are imbedded into the revenue structure for the school food service programs. The degree to which the reimbursements reduce program costs for milk, as opposed to the total food costs, cannot thereby be readily identified. As a result, to accomplish its purpose, all milk [sold in eight-ounce containers] must be covered by the exemption.[19]

III. Summary and Explanation of Findings

Article V, Section 12 of the Compact directs the Commission to make four findings of fact before an amendment of the Over-order Price Regulation can become effective. Each required finding is discussed below.

a. Whether the Public Interest Will Be Served by the Amendments

The first finding considers whether the amendment of the Compact Over-order Price Regulation to establish a reserve fund for the reimbursement to school food authorities serves the public interest. The Commission reaffirms its prior finding that an exemption mechanism for milk sold in eight-ounce containers by school food service programs serves the public interest.[20] For all of the same reasons the Commission adopted the previous regulation,[21] the Commission finds that the public interest will be served by amending the Over-order Price Regulation to extend the exemption through operation of the Over-order Price Regulation.

b. The Impact on the Price Level Needed to Assure a Sufficient Price to Producers and an Adequate Local Supply of Milk

The second finding considers the impact of the amendment on the level of producer price needed to cover the costs of production and to assure an adequate local supply of milk for the inhabitants of the regulated area and for manufacturing purposes.[22] The Commission reaffirms its prior findings regarding the sufficiency of pay prices for milk needed to meet the New England market demand.[23] The Commission previously concluded that, although amending the Compact Over-order Price Regulation to exempt certain milk sold by school food authorities would decrease the producer pay price, the price regulation would nevertheless remain at a sufficient level to assure that producer costs of production are covered and to elicit an adequate supply of fluid milk for the region.[24] The Commission now reaffirms this finding.

c. Whether the Major Provisions of the Order, Other Than Those Fixing Minimum Milk Prices, Are in the Public Interest and Are Reasonably Designed to Achieve the Purposes of the Order

The third finding requires a determination of whether the provisions of the regulation other than those establishing minimum milk prices are in the public interest. The amendment serves to extend the prior regulation establishing an exemption from the price regulation for certain milk sold by school food authorities. Therefore, the matter of the public interest is addressed under the first required

[6] 64 FR 19552 (April 21, 1999).

[7] Ross, Transcript (''Tr.'') at 9.

[8] Ross, Tr. at 8–9.

[9] Ross, Tr. at 9.

[10] DiMento, Tr. at 11–12; Berthiaume, Tr. at 15; and Wellington, Tr. at 16.

[11] DiMento, Tr. at 11.

[12] Berthiaume, Tr. at 15.

[13] Berthiaume, Tr. at 15.

[14] Berthiaume, Tr. at 15.

[15] Wellington, Tr. at 16.

[16] Wellington, Tr. at 16.

[17] Wellington, Tr. at 16.

[18] See, 63 FR 10104 (Feb. 27, 1998).

[19] 63 FR 10108 (Feb. 27, 1998) (footnote omitted).

[20] 63 FR 10106–10110 (Feb. 27, 1998).

[21] *See*, footnote 4 for text of the regulation.

[22] As noted in prior rulemaking proceedings, the Commission limits its assessment to issues relating to the fluid milk market. 62 FR 29632 (May 30, 1997); 62 FR 62812 (Nov. 25, 1997); and 63 FR 10109 (Feb. 27, 1998).

[23] 62 FR 29632–29637 (May 30, 1997); 62 FR 62812–62817 (Nov. 25, 1997); and 63 FR 10109–10110 (Feb. 27, 1998).

[24] 63 FR 10110 (Feb. 27, 1998).

finding and not under this finding. In any event, the Commission concludes that the price regulation, as hereby amended, remains in the public interest in the manner contemplated by this finding.

d. Whether the Terms of the Proposed Amendment Are Approved by Producers.

The fourth finding, requiring the determination of whether the amendment has been approved by producer referendum pursuant to Article V, Section 13 of the Compact is invoked in this instance given that the amendment will affect the level of the price regulation on the producer side. In this final rule, as in the previous final rules, the Commission makes this finding premised upon certification of the results of the producer referendum. The procedure for the producer referendum and certification of the results is set forth in 7 CFR Part 1371.

Pursuant to 7 CFR 1371.3 and the referendum procedure certified by the Commission, a referendum was held during the period of June 11 through June 21, 1999. All producers who were producing milk pooled in Federal Order #1 or for consumption in New England, during January 1999, the representative period determined by the Commission, were deemed eligible to vote. Ballots were mailed to these producers on or before June 11, 1999 by the Federal Order #1 Market Administrator. The ballots included an official summary of the Commission's action. Producers were notified that, to be counted, their ballots had to be returned to the Commission offices by 5:00 p.m. on June 21, 1999. The ballots were opened and counted in the Commission offices on June 22, 1999 under the direction and supervision of Mae S. Schmidle, Chair of the Commission and designated ''Referendum Agent.''

Ten Cooperative Associations were qualified to cast block votes and notified of the procedures necessary to block vote by letter dated June 4, 1999. Cooperatives were required to provide prior written notice of their intention to block vote to all members on a form provided by the Commission, and to certify to the Commission that (1) timely notice was provided, and (2) that they were qualified under the Capper-Volstead Act. Cooperative Associations were further notified that the Cooperative Association block vote had to be received in the Commission office by 5:00 p.m. on June 21, 1999. Certified and notarized notification to its members of the Cooperative's intent to block vote or not to block vote had to be mailed by June 15, 1999 with notice mailed to the Commission offices no later than June 17, 1999.

Notice

On June 22, 1999, the duly authorized referendum agent verified all ballots according to procedures and criteria established by the Commission. A total of 3,975 ballots were mailed to eligible producers. All producer ballots and cooperative block vote ballots received by the Commission were opened and counted. Producer ballots and cooperative block vote ballots were verified or disqualified based on criteria established by the Commission, including timeliness, completeness, appearance of authenticity, appropriate certifications by cooperative associations and other steps taken to avoid duplication of ballots. Ballots determined by the referendum agent to be invalid were marked ''disqualified'' with a notation as to the reason.

Block votes cast by Cooperative Associations were then counted. Producer votes against their cooperative associations block vote were then counted for each cooperative association. These votes were deducted from the cooperative association's total and were counted appropriately. Ballots returned by cooperative members who cast votes in agreement with their cooperative block vote were disqualified as duplicative of the cooperative block vote.

Votes of independent producers not members of any cooperative association were then counted.

The referendum agent then certified the following:

A total of 3975 ballots were mailed to eligible producers.

A total of 3,156 ballots were returned to the Commission.

A total of 25 ballots were disqualified—late, incomplete or duplicate.

A total of 3,120 ballots were verified.

A total of 3,076 verified ballots were cast in favor of the price regulation.

A total of 44 verified ballots were cast in opposition to the price regulation.

Accordingly, notice is hereby provided that of the 3,120 verified ballots cast, 98.6%, or 3,076, a minimum of two-thirds were in the affirmative.

Therefore, the Commission concludes that the terms of the proposed amendment are approved by producers.

IV. Good Cause for Effective Date Within 30-Day Notice Period

The Administrative Procedure Act, 5 U.S.C. 553(d), requires that the Compact Commission publish a substantive rule not less than 30 days before its effective date, except that this time period is not required for a substantive rule which grants or recognizes an exemption or relieves a restriction or as otherwise provided by the agency for good cause found and published with the rule. The Commission concludes that there is good cause for non-compliance with the 30-day advance publication provision of § 553(d) and publishes this final rule on June 28, 1999, with an effective date of July 1, 1999.

The Commission previously adopted a regulation exempting certain milk sold by school food authorities from the Compact Over-order Price Regulation and published that final rule on February 27, 1998 with an effective date of April 1, 1998, more than 30 days after its publication.[25] That exemption was duly promulgated with full compliance of all applicable notice, hearing and comment provisions of the Administrative Procedure Act.[26] In addition, the prior exemption regulation was approved by producers pursuant to a producer referendum conducted in February 1998. The producer referendum procedure[27] requires the Compact Commission to distribute a ballot to each producer eligible to cast a ballot in the referendum. The ballot must include a description of the terms and conditions of the referendum and an official copy of the proposed regulation or amendment. This final rule merely extends the previously approved regulation and this final rule was also approved by producer referendum conducted in June 1999.

The commission determines that compliance with the 30-day waiting period, in this instance, is excused for three separate reasons: it is (1)impracticable, (2) unnecessary, and (3) contrary to the public interest. *See, e.g., Service Employees Intern. Union, Local 102* v. *County of San Diego,* 60 F.3d 1346 (9th Cir. 1994) (good cause exemption to § 553(d) includes situations where compliance is impracticable, unnecessary, or contrary to the public interest); *Buschmann* v. *Schweiker,* 676 F.2d 352 (9th Cir. 1982) (same).

(1) It would be impracticable to provide the thirty-day interval because the previously published amendment exempting certain school milk for the 1998–1999 school year expires on June 30, 1999. The full thirty-day notice

[25] 63 FR 10104 (February 27, 1998).

[26] *See,* 63 FR 10104, 10105 (February 27, 1998) (describing administrative proceedings culminating in the adoption of the rule exempting certain school milk from the operation of the Over-order Price Regulation.)

[27] Compact Commission Bylaws, Article VI, section I, 7 CFR Part 1371.

would not allow the Commission to implement the exemption extension at the beginning of the 1999–2000 school year, which begins on July 1, 1999; and

(2) The full thirty-day notice is unnecessary because this amendment merely extends the existing rule exempting school milk from the Compact Over-order obligation; and

(3) The full thirty-day notice requirement would be contrary to the public interest, as found by the Commission in adopting both the underlying school milk exemption regulation, and this extension of that regulation, because the Commission could not implement the extension at the start of the 1999–2000 school year. Thus, the otherwise required thirty-day notice procedure would seriously impair the effectiveness of the amendment.

Finally, the purpose of the procedural requirement that a rule be published thirty days prior to its effective date is to permit those affected by the amendment a reasonable amount of time to prepare to take whatever action is prompted by the final rule. In this instance, the amendment merely extends a rule that all affected people have had notice of since publication of the school milk exemption regulation on February 27, 1998. The action required by the amendment is to be taken by the Commission through the extension of the exemption program and the development of a Memorandum of Understanding with the appropriate state agencies in the six New England states. Those most affected by the amendment are (1) the school food authorities whose interests are best served by the Commission extending the exemption regulation, and (2) the producers, all of whom have received ballots in February 1998 and June 1999 to vote on, and approve, the adoption of the school milk exemption and its extension. For all of these reasons, the full thirty-day notice period is not required.

IV. Required Findings of Fact

Pursuant to Compact Article V. Section 12, the Compact Commission hereby finds:

(1) That the public interest will be served by the amendment of the Over-order Price Regulation to dairy farmers under Article IV to extend the exemption of milk sold in eight-ounce containers by school food authorities in New England.

(2) That a level price of $16.94 (Zone 1) to dairy farmers under Article IV will assure that producers supplying the New England market receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

(3) That the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

(4) That the terms of the proposed amendments are approved by producers pursuant to a producer referendum as required by Article V. section 13.

List of Subjects in 7 CFR Part 1301

Milk.

Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission proposes to amend 7 CFR Part 1301 as follows:

PART 1301—DEFINITIONS

1. The authority citation for part 1301 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Section 1301.13 is amended by revising paragraph (e) to read as follows:

§ 1301.13 Exempt milk.

* * * * *

(e) All fluid milk distributed by handlers in eight-ounce containers under open and competitive bid contracts for the school milk contract year with School Food Authorities in New England, as defined by 7 CFR 210.2, to the extent that the school authorities can demonstrate and document that the costs of such milk have been increased by operation of the Compact over-order obligation. In no event shall such increase exceed the amount of the Compact over-order obligation. Documentation of increased costs shall be in accordance with a memorandum of understanding entered into between the Compact Commission and the appropriate state agencies for the school milk contract year. The memorandum of understanding shall include provisions for certification by supplying vendor/processors that their bid and contract cost structures do in fact incorporate the over-order obligation, in whole or in part, and provisions for defining the components of cost structure to be provided in support of such certification. The memorandum shall also establish the procedure for providing reimbursement to the school food authorities, including the scheduling of payments and the amount to be escrowed by the Commission to account for such payments.

Dated: June 22, 1999.

Kenneth M. Becker,

Executive Director.

[FR Doc. 99–16296 Filed 6–25–99; 8:45 am]

BILLING CODE 1650–01–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614, 616, 618, and 621

RIN 3052–AB63

Loan Policies and Operations; Leasing; General Provisions; Accounting and Reporting Requirements

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: This final rule clarifies existing regulations and provides Farm Credit System (FCS or System) institutions with more regulatory guidance about leasing activities. The rule reflects comments received from two public comment periods.

EFFECTIVE DATE: These regulations will become effective 30 days after publication in the **Federal Register** during which either or both houses of Congress are in session. We will publish a document announcing the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

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or

James M. Morris, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: On October 15, 1997, we published a proposed rule to replace the existing regulatory guidance about System institutions' leasing activities (62 FR 53581). After considering the six comment letters received, we made revisions and asked for additional comment on a reproposed rule (63 FR 56873, Oct. 23, 1998).

We received five comment letters on the reproposed rule; four from System banks and one from the Farm Credit Leasing Services Corporation (Leasing Corporation). The commenters commented about borrower rights, notice of action on applications, stock purchase requirements, and out-of-territory leasing.

I. Discussion of Comments

A. Borrower Rights

One commenter requested clarification of our interpretation that statutory borrower rights requirements do not apply to leasing. As stated in the preamble to the original proposal (62 FR 53581, Oct. 15, 1997), borrower rights do not apply to lease transactions.

B. Notice of Action on the Application

We received two comments on reproposed § 616.6800, which requires that each institution provide the applicant written notice of its decision on a lease application. The first comment suggested the rule should allow verbal notice. The second comment suggested the notice could be either express or implied, allowing the lessor to notify an applicant of approval by delivering lease documents to the applicant without a separate written notice of approval.

We believe that a written notice is appropriate to protect the interests of a lease applicant and to document that an institution has complied with this requirement. However, the notice does not have to be in a particular form and the delivery of written lease documents would satisfy the notice requirement.

C. Stock Purchase Requirements

One bank requested a clarification of § 614.4232, which requires that a lessee be a ''voting stockholder'' for a loan to a domestic lessor for leases on equipment or facilities (leveraged leases). Under § 616.6700, an institution may satisfy the requirement that an equipment lessee be a stockholder by issuing either one share of stock or one participation certificate. The final regulation makes a conforming amendment to § 614.4232 by removing the term ''voting'' to clarify that the bylaws could provide that a person owning one share of stock or one participation certificate would be considered a ''stockholder'' for purposes of this section.

D. Out-of-Territory Leasing

Final § 616.6200 provides farmers, ranchers, cooperatives, and other FCS customers flexibility to choose an FCS lessor regardless of whether they are located within that lessor's ''territory.'' Section 616.6200 does not require an FCS lessor to satisfy any notice or concurrence requirements to serve lessees beyond the lessor's territory.

We received two comments on § 616.6200. One Farm Credit Bank (FCB) commented: ''We commend you for removing territorial challenges through the addition of § 616.6200. This will contribute toward System institutions being able to more effectively serve lease customers.'' While expressing appreciation for ''the efforts of the FCA to improve the regulatory environment in which System institutions operate,'' a second FCB suggested that ''any elimination of geographic operating territories with respect to leasing should be coordinated with the review of the proposed elimination of geographic boundaries with respect to lending activities under § 614.4070, and action on this aspect of the leasing regulation should be deferred until such time as FCA has reviewed all comments on the proposed revision to section 614.4070.'' We do not believe that action on the reproposed leasing rule must be delayed until we consider proposed amendments to § 614.4070, the customer choice rule. Our adoption of § 616.6200, allowing potential customers to choose an FCS lessor regardless of whether they are located within that lessor's territory, neither depends on nor determines the fate of the proposed out-of-territory lending rule. *See* 63 FR 60219 (Nov. 9, 1998); 63 FR 69229 (Dec. 16, 1998).

It is clear in the Farm Credit Act of 1971, as amended (Act) that the express statutory authority to lease is separate and distinct from the authority to lend. Section 2.4(b)(4) of the Act expressly authorizes production credit associations (PCAs) (and agricultural credit associations (ACAs) pursuant to section 7.8) to own and lease equipment, or lease with option to purchase. Section 1.11(c)(2) expressly authorizes FCBs (and agricultural credit banks (ACBs) pursuant to section 7.2) to own and lease equipment or facilities, or lease with option to purchase, and authorizes Federal land credit associations pursuant to section 7.6 to own and lease facilities, or lease with option to purchase. Section 3.7(a) expressly authorizes banks for cooperatives (BCs) (and ACBs pursuant to section 7.2) to own and lease equipment, or lease with option to purchase. The Act clearly creates express leasing authorities separate from lending authorities, and in no case does the Act expressly restrict the geographic location of lease customers.

The Farm Credit Administration (FCA) and the Farm Credit banks have long recognized the distinct nature of loans and leases in connection with the creation of the Leasing Corporation. Section 4.25 of the Act, which authorizes the establishment of service corporations, provides that a service corporation cannot ''extend credit.'' Our interpretation is that this provision does not apply to leases. Thus, the chartering of the Leasing Corporation was authorized because leases are not extensions of credit.

The second FCB commented that ''FCA has * * correctly * * * analyzed the statutory basis for leasing authorities as being independent of that for lending authorities,'' but indicates concern that ''the operational impact of out-of-territory leasing activity would be comparable to the impact of out-of-territory lending.'' For more than 10 years, the Leasing Corporation has had authority to compete nationwide with all other FCS lessors for all types of leasing business. Section 616.6200 establishes that other FCS lessors have the ability to compete nationwide with the Leasing Corporation on a level playing field.

II. Summary of Significant Provisions of Final Rule

A. Purchase and Sale of Interests in Leases

The final regulation authorizes a System institution to purchase from any lessor any interest (including a participation interest) in a lease for equipment or facilities used in the operations of eligible borrowers. Specifically, the final regulation:

(1) Eliminates distinctions concerning the authority to purchase ''lease interests'' and ''lease participation interests.'' The definition of ''lease'' limits the types of leases in which System institutions can buy an interest, that is, leases of equipment or facilities used in the operations of eligible borrowers;

(2) Eliminates cross-title restrictions on the purchase of lease interests to provide more flexibility because there is no statutory restriction; and

(3) Eliminates the retention requirement concerning the purchase of lease interests from outside the System. Requiring the servicer to have an ownership interest is not necessary to manage risk and is not required by law.

The following two provisions are parallel to provisions that apply to loans: (1) Permit lease transactions through agents on the same basis that is permitted for loans; and (2) provide for the purchase of participations in leases made to similar entities on generally the same basis as the purchase of participations in similar entity loans.

B. Lending and Leasing Limit

The final rule takes a consistent approach to limiting concentration of risk in individual System institutions. Limits on the financing (whether in the form of loans or leases) a System institution can provide to any one

customer protect against unnecessarily large risks to an institution's capital. Therefore, all loans and leases to a single customer will be measured against an institution's lending and leasing limit. The leasing limit for the Leasing Corporation under the final rule will limit its risk exposure in a manner similar to the lending and leasing limit that will apply to other System institutions.

- The definition of ''borrower'' includes any customer to whom an institution has made a lease or a commitment to make a lease.
- The definition of ''loan'' includes all types of leases (operating, financing, and lease interests).
- The rule prohibits a System institution from making a lease or a loan if the consolidated amount of all loans and leases to a single borrower exceeds 25 percent of the institution's lending and leasing limit base (except for loans made under title III of the Act, which vary between 10 percent and 50 percent depending on the type of loan and associated risk).
- The rule prohibits the Leasing Corporation from making leases to a single lessee or any related entities that exceed 25 percent of the Leasing Corporation's lending and leasing limit base.
- The rule adds the outstanding lease balances to the items included in the computation of obligations.
- All leases, except those permitted under § 614.4361, must comply with the leasing and lending limit at all times.

C. Out-of-Territory Leasing

The final rule provides System institutions with more flexibility to make leases outside their chartered territory. A System lessor is not required to satisfy any notice or concurrence requirements in order to serve lessees beyond the lessor's territory.

D. Leasing Policies, Procedures, and Underwriting Standards

The final regulation provides only a basic framework for leasing policies, procedures, and underwriting standards. From a safety and soundness perspective, System institutions engaged in leasing need to have adequate policies and procedures that address both loan and lease underwriting to ensure prudent management of both activities. From a payment risk perspective, we require institutions engaged in leasing to comply with the minimum loan underwriting standards in § 614.4150 regarding the minimum amount of financial information required of the applicant since the risks are very similar for loans and leases. The loan underwriting regulations require written policies and procedures to address underwriting standards such as the minimum supporting credit and financial information required, credit analysis procedures, and repayment capacity of the applicant. The complexity and depth of the policies and underwriting standards should be consistent with the current or planned leasing activities and the institution's risk-bearing ability.

E. Documentation

We require each institution to document that the leased equipment or facility is authorized to be leased under its leasing authorities. Equipment ordinarily is considered to be movable personal property. Facilities include property that is attached, often permanently, to real estate. Certain agricultural property may have attributes of both. We do not provide a specific regulatory definition of equipment and facility. We expect each System institution involved in leasing to have the necessary expertise to make such a determination, and we will review such determinations during the course of our examination process.

F. Investment in Leased Assets

Section 616.6500 authorizes an institution to buy property to lease, if buying such property is consistent with the type of leasing activity being conducted or planned in the future. The purpose of this provision is to prohibit System institutions from speculating in the acquisition of property or facilities.

G. Stock Purchase Requirements

We read the Act to impose a stock purchase requirement in connection with some leases, but not others. Lessees who lease equipment from PCAs, ACAs, BCs, or ACBs, under titles II or III of the Act, must be stockholders. Because cooperatives operate on a one-person, one-vote basis, the number of shares of stock does not affect membership rights. Therefore, the purchase of a single share of stock is sufficient to satisfy the stockholder requirement. Institutions may also satisfy the stock requirement by counting outstanding shares stockholders already own. An institution may also issue one participation certificate to satisfy the stock purchase requirement if authorized by the institution's bylaws. The stock requirement does not apply to the Leasing Corporation because its stockholders are System banks, rather than its lease customers. The disclosure requirements for equities issued as a condition to obtain a lease would be the same as disclosure requirements for equities issued as a condition to obtain a loan as required under § 615.5250(a) and (b).

H. Disclosure Requirements

The final regulation contains two disclosure requirements designed to protect an applicant's interest. The first requires that lease applicants be provided a copy of all lease documents signed by the lessee within a reasonable time following lease closing. The second requires a System institution to render its decision on the lease application in as expeditious a manner as is practical and provide prompt written notice of its decision to the applicant.

I. Portfolio Limitations

We have concluded that the Act does not impose portfolio limitations on leases to processing and marketing operations. In the absence of a statutory requirement or a safety and soundness concern, we do not believe such a limitation on leasing activity is necessary.

III. Conforming Changes

The existing leasing regulations in §§ 618.8050 and 618.8060 will be deleted upon the effective date of the final rule. The final rule makes conforming technical changes to §§ 614.4710 and 621.7. The final rule also makes a technical change in § 614.4351 and § 618.8440 to correct erroneous citations. We also clarify in § 616.6300 that although a board of directors sets policy, it must direct management to develop procedures that reflect lease practices that control risk.

List of Subjects

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 616

Agriculture, Banks, banking, leasing.

12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

12 CFR Part 621

Accounting, Agriculture, Banks, banking, Penalties, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, parts 614, 618 and 621 are amended and part 616 is added to

chapter VI, title 12 of the Code of Federal Regulations to read as follows:

PART 614—LOAN POLICIES AND OPERATIONS

1. The authority citation for part 614 is revised to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128; secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.18A, 4.19, 4.25, 4.26, 4.27, 4.28, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2097, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2206a, 2207, 2211, 2212, 2213, 2214, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279c–1, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

Subpart E—Loan Terms and Conditions

2. Section 614.4232 is amended by removing the word ''voting'' from the introductory text, and revising paragraph (c) to read as follows:

§ 614.4232 Loans to domestic lessors.

* * * * *

(c) The lessee must hold at least one share of stock or one participation certificate; and

* * * * *

Subpart H—Loan Purchases and Sales

§ 614.4325 [Amended]

3. Section 614.4325 is amended by removing the word ''leases,'' from paragraph (a)(3).

4. The heading of subpart J is revised to read as follows:

Subpart J—Lending and Leasing Limits

5. Section 614.4350 is amended by revising paragraphs (a) and (c) to read as follows:

§ 614.4350 Definitions.

* * * * *

(a) *Borrower* means an individual, partnership, joint venture, trust, corporation, or other business entity to which an institution has made a loan or a commitment to make a loan either directly or indirectly. Excluded are a Farm Credit System association or other financing institution that comply with the criteria in section 1.7(b) of the Act and the regulations in subpart P of this part. For the purposes of this subpart, the term ''borrower'' includes any customer to whom an institution has made a lease or a commitment to make a lease.

* * * * *

(c) *Loan* means any extension of, or commitment to extend, credit authorized under the Act whether it results from direct negotiations between a lender and a borrower or is purchased from or discounted for another lender. This includes participation interests. The term ''loan'' includes loans and leases outstanding, obligated but undisbursed commitments to lend or lease, contracts of sale, notes receivable, other similar obligations, guarantees, and all types of leases. An institution ''makes a loan or lease'' when it enters into a commitment to lend or lease, advances new funds, substitutes a different borrower or lessee for a borrower or lessee who is released, or where any other person's liability is added to the outstanding loan, lease or commitment.

* * * * *

§ 614.4351 [Amended]

6. Section 614.4351 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit base'' each place they appear in the heading and in the entire section; and by removing the reference ''§ 615.5201(j)'' and adding in its place the reference ''§ 615.5201(l) in paragraph (a).

§ 614.4352 [Amended]

7. Section 614.4352 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit base'' in paragraphs (a) and (b)(1); and by adding the words ''and leasing'' between the words ''lending'' and ''limits'' in paragraph (b)(2).

§ 614.4353 [Amended]

8. Section 614.4353 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit base''.

§ 614.4354 [Amended]

9. Section 614.4354 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit base''.

§ 614.4355 [Amended]

10. Section 614.4355 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit base'' in the introductory paragraph; and by removing the word ''lending'' in the headings of paragraphs (a) and (b).

§§ 614.4356–614.4360 [Redesignated]

11. Sections 614.4356 through 614.4360 are redesignated as §§ 614.4357 through 614.4361; and a new § 614.4356 is added to read as follows:

§ 614.4356 Farm Credit Leasing Services Corporation.

The Farm Credit Leasing Services Corporation may enter into a lease agreement with a lessee if the consolidated amount of all leases and undisbursed commitments to that lessee or any related entities does not exceed 25 percent of its lending and leasing limit base.

12. Newly designated § 614.4358 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit'' in the introductory text of paragraphs (a) and (b); by adding the words ''and lease balances outstanding'' after the word ''loans'' the first place it appears in paragraph (a)(1); by removing the reference ''§ 614.4358'' and adding in its place the reference ''§ 614.4359'' in paragraph (a)(3); by redesignating existing paragraph (b)(5) as paragraph (b)(6); and by adding a new paragraph (b)(5) to read as follows:

§ 614.4358 Computation of obligations.

* * * * *

(b) * * *

(5) Interests in leases sold when the sale agreement provides that:

(i) The interest sold must be:

(A) An undivided interest in all the lease payments or the residual value of all the leased property; or

(B) A fractional undivided interest in the total lease transaction;

(ii) The interest must be sold without recourse; and

(iii) Sharing of all lease payments must be on a pro rata basis according to the percentage interest in the lease payments.

* * * * *

§ 614.4359 [Amended]

13. Newly designated § 614.4359 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit'' in paragraphs (a) introductory text, (b), and (c); by removing the reference ''§ 614.4356'' and adding in its place, the reference ''§ 614.4357'' in paragraph (a)(1)(iii); and by removing the reference ''§ 614.4358'' and adding in its place, the reference ''§ 614.4359'' in the heading for column two in Table 1.

14. Newly designated § 614.4360 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limit'' in the heading and each place they appear in paragraphs (a), (b), (c), and (d); by removing the reference ''§ 614.4360'' and adding in its place, the reference ''§ 614.4361'' in paragraph

(a); by removing the reference ''§ 614.4359(b)(3)'' and adding in its place, the reference ''§ 614.4360(b)(3)'' in paragraph (c); by redesignating paragraph (d) as paragraph (e); and by adding a new paragraph (d) to read as follows:

§ 614.4360 Lending and leasing limit violations.

* * * * *

(d) All leases, except those permitted under § 614.4361, reading ''effective date of this subpart'' in § 614.4361(a) and ''effective date of these regulations'' in § 614.4361(b) as ''effective date of this amendment,'' must comply with the lending and leasing limit on the date the lease is made, and at all times after that.

* * * * *

§ 614.4361 [Amended]

15. Newly designated § 614.4361 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limits'' in each place they appear in paragraphs (a) and (b); and by removing the reference ''§ 614.4359'' and adding in its place, the reference ''§ 614.4360'' in paragraph (b).

Subpart Q—Banks for Cooperatives and Agricultural Credit Banks Financing International Trade

§ 614.4710 [Amended]

16. Section 614.4710 is amended by adding the words ''and leasing'' between the words ''lending'' and ''limits'' in the last sentence of the introductory paragraph and in paragraphs (a)(2) and (a)(3).

17. A new part 616 is added to read as follows:

PART 616—LEASING

Sec.

616.6000 Definitions.
616.6100 Purchase and sale of interests in leases.
616.6200 Out-of-territory leasing.
616.6300 Leasing policies, procedures, and underwriting standards.
616.6400 Documentation.
616.6500 Investment in leased assets.
616.6600 Leasing limit.
616.6700 Stock purchase requirements.
616.6800 Disclosure requirements.

Authority: Secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.9, 3.10, 3.20, 3.28, 4.3, 4.3A, 4.13, 4.13A, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.18A, 4.25, 4.26, 4.27, 4.28, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.3, 7.6, 7.8, 7.12, 7.13 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2097, 2121, 2122, 2124, 2128, 2129, 2130, 2131, 2141, 2149, 2154, 2154a, 2199, 2200, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2206a, 2211, 2212, 2213, 2214, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279a–3, 2279b, 2279c–1, 2279f, 2279f–1).

§ 616.600 Definitions.

For the purposes of this part, the following definitions apply:

(a) *Interests in leases* means ownership interests in any aspect of a lease transaction, including, but not limited to, servicing rights.

(b) *Lease* means any contractual obligation to own and lease, or lease with the option to purchase, equipment or facilities used in the operations of persons eligible to borrow under part 613 of this chapter.

(c) *Sale with recourse* means a sale of a lease or an interest in a lease in which the seller:

(1) Retains some risk of loss from the transferred asset for any cause except the seller's breach of usual and customary warranties or representations designed to protect the purchaser against fraud or misrepresentation; or

(2) Has an obligation to make payments to any party resulting from:

(i) Default on the lease by the lessee or guarantor or any other deficiencies in the lessee's performance;

(ii) Changes in the market value of the assets after transfer;

(iii) Any contractual relationship between the seller and purchaser incident to the transfer that, by its terms, could continue even after final payment, default, or other termination of the assets transferred; or

(iv) Any other cause, except that the retention of servicing rights alone shall not constitute recourse.

§ 616.6100 Purchase and sale of interests in leases.

(a) *Authority to buy interests in leases.* A Farm Credit System institution may buy leases and interests in leases.

(b) *Policies.* Each Farm Credit System institution that sells or buys interests in leases must do so only under a policy adopted by its board of directors that addresses the following:

(1) The types of leases in which the institution may buy or sell an interest and the types of interests which may be bought or sold;

(2) The underwriting standards for the purchase of interests in leases;

(3) Such limits on the aggregate lease payments and residual amount of interests in leases that the institution may buy from a single institution as are necessary to diversify risk, and such limits on the aggregate amounts the institution may buy from all institutions as are necessary to assure that service to the territory is not impeded;

(4) Identification and reporting of leases in which interests are sold or bought;

(5) Requirements for securing from the selling lessor in a timely manner adequate financial and other information about the lessee needed to make an independent judgment; and

(6) Any limits or conditions to which sales or purchases are subject that the board considers appropriate, including arbitration.

(c) *Purchase and sale agreements.* Each agreement to buy or sell an interest in a lease must, at a minimum:

(1) Identify the particular lease(s) to be covered by the agreement;

(2) Provide for the transfer of lessee information on a timely and continuing basis;

(3) Identify the nature of the interest(s) sold or bought;

(4) Specify the rights and obligations of the parties and the terms and conditions of the sale;

(5) Contain any terms necessary for the appropriate administration of the lease, including lease servicing and monitoring of the servicer and authorization and conditions for action in the event of lessee distress or default;

(6) Provide for a method of resolution of disagreements arising under the agreement;

(7) Specify whether the contract is assignable by either party; and

(8) In the case of lease transactions through agents, comply with § 614.4325(h) of this chapter, reading the term ''lease'' or ''leases'' in place of the term ''loan'' or ''loans,'' as applicable.

(d) *Independent judgment.* Each institution that buys an interest in a lease must make a judgment on the payment ability of the lessee that is independent of the originating or lead lessor and any intermediary seller or broker. This must occur before the purchase of the interest and before any servicing action that alters the terms of the original agreement. The institution must not delegate such judgment to any person(s) not employed by the institution. A Farm Credit System institution that buys a lease or any interest in a lease may use information, such as appraisals or inspections, provided by the originating or lead lessor, or any intermediary seller or broker; however, the buying Farm Credit System institution must independently evaluate such information when exercising its judgment. The independent judgment must be documented by a payment analysis that considers factors set forth in § 616.6300. The payment analysis must consider such financial and other lessee

information as would be required by a prudent lessor and must include an evaluation of the capacity and reliability of the servicer. Boards of directors of jointly managed institutions must adopt procedures to ensure the interests of their respective shareholders are protected in participation between such institutions.

(e) *Sales with recourse*. When a lease or interest in a lease is sold with recourse:

(1) For the purpose of determining the lending and leasing limit in subpart J of part 614 of this chapter, the lease must be considered, to the extent of the recourse or guaranty, a lease by the buyer to the seller, and in addition, the seller must aggregate the lease with other obligations of the lessee; and

(2) The lease subject to the recourse agreement must be considered an asset sold with recourse for the purpose of computing capital ratios.

(f) *Similar entity lease transactions*. The provisions of § 613.3300 of this chapter that apply to interests in loans made to similar entities apply to interests in leases made to similar entities. In applying these provisions, the term ''loan'' shall be read to include the term ''lease'' and the term ''principal amount'' shall be read to include the term ''lease amount.''

§ 616.6200 Out-of-territory leasing.

A System institution may make leases outside its chartered territory.

§ 616.6300 Leasing policies, procedures, and underwriting standards.

The board of each institution engaged in lease underwriting must adopt a written policy (or policies). Management, at the direction of the board, must develop procedures that reflect lease practices that control risk and comply with all applicable laws and regulations. Any leasing activity must comply with the lending policies and loan underwriting requirements in § 614.4150 of this chapter. An institution engaged in the making, buying, or syndicating of leases also must adopt written policies and procedures that address the additional risks associated with leasing. Written policies and procedures must address the following, if applicable:

(a) Appropriateness of the lease amount, purpose, and terms and conditions, including the residual value established at the inception of the lease;

(b) Process for estimating the leased asset's market value during the lease term;

(c) Types of equipment and facilities the institution will lease;

(d) Remarketing of leased property and associated risks;

(e) Property tax and sales tax reporting;

(f) Title and ownership of leased assets;

(g) Title and licensing for motor vehicles;

(h) Liability associated with ownership, including any environmental hazards or risks;

(i) Insurance requirements for both the lessor and lessee;

(j) Classification of leases in accordance with generally accepted accounting principles; and

(k) Tax treatment of lease transactions and associated risks.

§ 616.6400 Documentation.

Each institution must document that any asset it leases is within its statutory authority.

§ 616.6500 Investment in leased assets.

An institution may acquire property to be leased that is consistent with current or planned leasing programs.

§ 616.6600 Leasing limit.

All leases made by Farm Credit System institutions shall be subject to the lending and leasing limit in subpart J of part 614 of this chapter.

§ 616.6700 Stock purchase requirements.

(a) Each System institution, except the Farm Credit Leasing Services Corporation, making an equipment lease under titles II or III of the Act must require the lessee to buy or own at least one share of stock or one participation certificate in the institution making the lease, in accordance with its bylaws.

(b) The disclosure requirements of § 615.5250(a) and (b) of this chapter apply to stock (or participation certificates) bought as a condition for obtaining a lease.

§ 616.6800 Disclosure requirements.

(a) Each System institution must give to each lessee a copy of all lease documents signed by the lessee within a reasonable time following lease closing.

(b) Each System institution must make its decision on a lease application as soon as possible and provide prompt written notice of its decision to the applicant.

PART 618—GENERAL PROVISIONS

18. The authority citation for part 618 continues to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252).

Subpart C—[Removed and Reserved]

19. Subpart C, consisting of §§ 618.8050 and 618.8060, is removed and reserved.

Subpart J—Internal Controls

§ 618.8440 [Amended]

20. Section 618.8440 is amended by removing the reference ''or (d)'' in paragraph (b)(6).

PART 621—ACCOUNTING AND REPORTING REQUIREMENTS

21. The authority citation for part 621 continues to read as follows:

Authority: Secs. 5.17, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2279aa–11).

Subpart C—Loan Performance and Valuation Assessment

§ 621.7 [Amended]

22. Section 621.7 is amended by removing the reference ''§ 614.4358(a)(2)'' and adding in its place, the reference ''§ 614.4359(a)(2)'' in paragraph (a)(2)(iii).

Dated: June 18, 1999.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 99–16149 Filed 6–25–99; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–147–AD; Amendment 39–11208; AD 99–13–13]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes; Model MD–88 Airplanes; and Model MD–90 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes; Model MD–88 airplanes; and Model MD–90 airplanes, that requires a one-time inspection of the forward attach pins of the outboard flight spoiler actuators to determine whether the pins are of correct length, and follow-on corrective actions. This amendment is prompted by a report that forward attach pins of

incorrect length were found to be installed in the flight spoiler actuators on several in-service and in-production airplanes. The actions specified by this AD are intended to prevent failure of the piston of the flight spoiler actuator and consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings.

DATES: Effective August 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5237; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes; Model MD–88 airplanes; and Model MD–90 airplanes was published in the **Federal Register** on July 13, 1998 (63 FR 37508). That action proposed to require a one-time inspection of the forward attach pins of the outboard flight spoiler actuators to determine whether the pins are of correct length, and follow-on corrective actions.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposed Rule

One commenter supports the proposed rule.

Requests To Revise or Delete Paragraph (c) of the Proposed AD

One commenter requests that the FAA revise paragraph (c) of the proposed AD to read, ''As of the effective date of this AD, no person shall install a forward attach pin of the flight spoiler actuator, P/N 4935329–1 or 4935329–501 to be used on piston P/N 4913415–505 or P/N 4913415–507, on any airplane.'' The commenter states, as paragraph (c) of the proposed AD is currently worded, it may create confusion that a forward attach pin, P/N 4935329–1, must be installed on actuators with a piston, P/N 4913415–501. Actuators with a piston, P/N 4913415–501, are eligible for installation as long as the aircraft has been modified in accordance with ''S/B 27–300 Option #1.'' The commenter also states that, due to the stack up of tolerances, the use of a forward attach pin, P/N 4935329–503, on a piston, P/N 4913415–501, could eliminate the anti-rotation attribute of the pin, and consequently, could cause the pin to bind in the bushings. Such binding would translate to the rotation of the bushings in the lugs and cause scoring and wear of the piston lugs, which would create stress risers that could greatly reduce the strength of the piston lugs.

One commenter requests that the FAA revise paragraph (c) of the proposed AD to take into account that the –1 pin may still be required on the aircraft. The commenter notes that P/N 5913900–5523 actuators are still acceptable for use in the inboard positions, and that all outboard positions may not have been reworked in accordance with AD 97–02–08, amendment 39–9893 (62 FR 3985, January 28, 1997), by the time this new AD is released. The proper pin for use with the P/N 5913900–5523 actuators is the P/N 4935329–1 pin.

One commenter requests that paragraph (c) of the proposed AD be revised to include a note that reads, ''NOTE: The –1 pin is still used on other than 4913415–505 and 4913415–507 piston assemblies.'' The commenter provides no justification for its request.

One commenter requests that the FAA delete paragraph (c) of the proposed AD. The commenter states that the P/N 4913415–501 piston is a legal assembly in accordance with AD 97–02–08 R1, amendment 39–9928 (62 FR 6708, February 13, 1997), provided that aft spar web protective doublers are installed in accordance with McDonnell Douglas Service Bulletin DC9–27–355, dated February 24, 1998 (which is referenced in this AD as an appropriate source of service information for accomplishment of the requirements of this AD).

One commenter states that the forward attach pins identified in paragraph (c) of the proposed AD may be used in flight spoilers other than those installed in the outboard position. The commenter points out that, if only the outboard positions are inspected in accordance with the proposed AD, those pins that are on the actuators in the inboard positions having other part number pistons would go uninspected. This would appear to conflict with the requirements of paragraph (c) of the proposed AD.

The FAA acknowledges that clarification of the requirements of paragraph (c) of the proposed AD is necessary. The FAA's intent was that no person shall install a forward attach pin (P/N 4935329–1 or P/N 4935329–501) in piston assembly (P/N 4913415–505 or P/N 4913415–507) of the outboard flight spoiler actuator on any airplane. However, because paragraph (c) of the proposed AD is confusing and because operators will be remarking correct length pins and reidentifying them with P/N 4935329–503, the FAA has determined not to retain paragraph (c) of the proposed AD in the final rule.

In addition, the FAA finds that further clarification is necessary. The FAA's concern is about the outboard flight spoiler actuator because only at the outboard location can a failed piston lug puncture the aft spar web and result in fuel leakage. (The inboard location of the aft spar web is thick enough to prevent such puncturing.) The requirements of both AD 97–02–08 R1 and this final rule are intended to prevent puncturing of the aft spar web and resultant fuel leakage.

Requests To Revise the Applicability Statement

One commenter requests that the applicability statement of the proposed AD be revised to exclude airplanes that have incorporated Option 1 of McDonnell Douglas Service Bulletin DC9–27–300, dated June 16, 1997 (referenced in AD 97–02–08 R1 as the appropriate source of service information for accomplishment of the requirements of that AD), or that a note be included in the final rule that acknowledges Option 1 as an alternative method of compliance. The commenter states that airplanes on which Option 1 of the subject service bulletin has been accomplished, or on which the old piston, P/N 4913415–501 (or prior), has been installed, are safe to fly with the

existing spoiler attach pins installed and do not require incorporation of McDonnell Douglas Service Bulletin DC9–27–355.

From this comment, the FAA infers that this commenter is requesting that the applicability statement be revised due to confusion over the requirements of paragraph (c) of the proposed AD. The FAA does not concur. As discussed previously, the FAA has determined not to retain paragraph (c) of the proposed AD in the final rule. The FAA notes that airplanes on which only a piston assembly having P/N 4913415–505 or P/N 4913415–507 of the outboard flight spoiler actuator has been installed are subject to the addressed unsafe condition of this AD. Therefore, the FAA finds that no change to applicability statement of the final rule is necessary.

One commenter states that under the heading ''Concurrent Requirements'' of McDonnell Douglas Service Bulletin DC9–27–355, the text reads ''Aircraft with Service Bulletin DC9–27–300 Option 1 accomplished * * * are not affected.'' The commenter contends that an operator may accomplish Option 1 of Service Bulletin DC9–27–300, which involves installing doublers. However, the FAA notes that at anytime, piston P/N 4913415–505 or P/N 4913415–507 may have been installed. This creates a situation where Option 1 of Service Bulletin DC9–27–300 has been accomplished but the installed piston and pin are still suspect. The commenter also states that Option II of Service Bulletin DC9–27–300 gives no definitive actuator identification instructions. This creates a situation where any dash number actuator assembly may have a suspect piston and pin installed. The commenter suggests that a possible solution would be to require measurement of the piston lugs to determine which piston has been installed.

From this comment, the FAA infers that the commenter is requesting that the applicability statement of the proposed AD be revised to exclude airplanes equipped with external protective doublers between the outboard flight spoiler actuator and the aft spar webs. The FAA does not concur. Airplanes on which only Option 1 of Service Bulletin DC9–27–300 (which is required by AD 97–02–08 R1) has been accomplished are not subject to the requirements of this AD. As indicated in the applicability statement, this AD applies to certain airplanes on which a piston assembly having P/N 4913415–505 or 4913415–507 is installed. In addition, the FAA finds that a measurement to determine which piston is installed is unnecessary because this AD specifically identifies the dash number of the affected pin assembly.

Requests To Extend Compliance Time

Several commenters request that the compliance time for accomplishing the removal and one-time visual inspection required by paragraph (a) of the proposed AD be extended from the proposed 18 months. One commenter states that the removal of actuators will require extensive maintenance requirements. One commenter states that, as paragraph (c) of the proposed AD is currently worded, it would have to inspect twice as many units as initially proposed. Another commenter states that an 18-month extension would minimize the impact on its operation and aid in scheduling of the inspection/modification.

The FAA does not concur with the commenters' request. As discussed previously under the heading ''Requests to Revise or Delete Paragraph (c) of the Proposed AD,'' operators are required to inspect the forward attach pins of only the outboard flight spoiler actuators, not both the outboard and inboard as suggested by some of the commenters. Because stress corrosion is time dependent rather than landing dependent, the FAA finds that a 5,000-landing compliance time, as suggested by one of the commenters, would be inappropriate. In developing an appropriate compliance time for these actions, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the removal and inspection. In consideration of these factors, the FAA has determined that the 18-month initial compliance time, as proposed, is appropriate. However, under the provisions of paragraph (c) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Request To Allow Replacement of Pins With Serviceable or Reidentified Pins

One commenter requests that paragraph (a)(2)(i) of the proposed AD be revised to allow the use of serviceable and reidentified forward attach pins as well as new pins. The commenter notes that some operators may elect to send pins to the shop for length inspection and reidentification, which could result in the pins being reinstalled on another aircraft. The FAA concurs. The FAA finds that installing serviceable and reidentified, as well as new, forward attach pins is acceptable for compliance with the requirements of paragraphs (a)(2)(i), (a)(2)(ii)(A), and (a)(2)(ii)(B) of the final rule. Therefore, the final rule has been revised accordingly.

Request To Use a New Tool

One commenter states that it recently has developed a tool which will allow gauging the pins to differentiate between the short pins and the proper length pins. The commenter also states that the use of this tool would eliminate the requirement for removing the pin for measurement. An alternative method of identification also could be used such as the application of paint to the end of the pin, which is accessible. The commenter notes that the use of this tool would greatly minimize the economic impact of the proposed AD.

The FAA does not concur. The commenter did not provide sufficient information to the FAA to justify the use of such a tool. However, paragraph (c) of the final rule does provide affected operators the opportunity to apply for an alternative method of compliance, such as the use of a new tool or application of paint.

Request to Delete Reporting Requirement

One commenter requests that paragraph (b) of the proposed AD be deleted. The commenter states that a reporting requirement places an additional burden on the operator and has no useful purpose since all discrepant parts are being removed from service. The FAA does not concur. When the unsafe condition addressed by an AD action appears to be attributed to a manufacturer's quality control (QC) problem (such as this AD), such a reporting requirement is instrumental in ensuring that the FAA is able to gather as much information as possible as to the extent and nature of the QC problem or QC breakdown, especially in cases where such data may not be available through other established means. This information is necessary to ensure that proper corrective action is implemented.

Request to Revise Reporting Requirement

One commenter requests that the compliance time for the reporting requirement in paragraph (b) of the proposed AD be revised from 10 days to 30 days. The commenter states that such an extension will allow time to receive paperwork from the inspection stations, review and analyze the results, and compile the data. The FAA does not concur. In developing an appropriate compliance time, the FAA considered

the time necessary for submitting a report of the inspection results to the FAA in a timely manner. The FAA has determined that a 10-day compliance time is appropriate. However, paragraph (c) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if data are presented to justify such an adjustment.

Requests to Revise Cost Impact

Two commenters note that the economic impact of the proposed rule has been underestimated. In order to gain access to the flight spoiler forward attach pin to conduct the required inspection, these commenters state that it is necessary to remove the actuator. One commenter estimates that it will take approximately six work hours per aircraft to accomplish the pin inspection (including removal and reinstallation of the forward attach pin), as compared to the five work hours estimated in the proposed rule. The other commenter estimates that it will take 16 work hours.

From these comments, the FAA infers that the commenters are requesting that the Cost Impact section of the proposed AD be revised. The FAA does not concur. The cost impact information, below, describes only the ''direct'' costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions, specified as 5 in the cost impact information, below, was provided to the FAA by the manufacturer based on the best data available to date. This number represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Request to Revise Descriptive Language in Discussion Section of Proposed AD

One commenter points out that, in addition to McDonnell Douglas Model DC–9–80 and Model MD–90 airplanes, the incorrect length pins were found on Model DC–9 and MD–88 series airplanes. From this comment, the FAA infers that the commenter is requesting that the FAA revise the wording of the reported incident that appeared in the Discussion Section of the AD.

The same commenter requests that the word ''nut'' be replaced with ''washer'' in the sentence in the Discussion Section of the proposed AD that reads ''If a forward attach pin is too short, the pin and nut * * *''

The FAA finds that no revision to this final rule in the manner suggested by the commenter is necessary, since the Discussion section of the proposed AD does not reappear in the final rule.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,700 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,134 airplanes of U.S. registry will be affected by this AD.

It will take approximately 5 work hours per airplane (including removal and reinstallation of the forward attach pin) to accomplish the required one-time visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection required by this AD on U.S. operators is estimated to be $340,200, or $300 per airplane.

If the forward attach pin is determined to be of correct length, it will take approximately 1 work hour per airplane to accomplish the necessary modification, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this modification required by this AD on U.S. operators is estimated to be $60 per airplane.

If the forward attach pin is determined to be of incorrect length, it will take approximately 1 work hour per airplane to accomplish the follow-on visual inspection and replacement of the pin, at an average labor rate of $60 per work hour. New pins will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the follow-on visual inspection and replacement is estimated to be $60 per airplane.

Should an operator be required to accomplish the HFEC inspection, it will take approximately 11 work hours per airplane to accomplish (including removal and reinstallation of the flight spoiler actuator), at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the HFEC inspection is estimated to be $660 per airplane.

Should an operator be required to accomplish the replacement of the piston assembly of the flight spoiler actuator, it will take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,590 per airplane. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be $2,890 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–13–13 McDonnell Douglas: Amendment 39–11208. Docket 98–NM–147–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes, Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes, Model MD–88 airplanes, and C–9 (military) series airplanes, as listed in McDonnell Douglas Service Bulletin DC9–27–355, dated February 24, 1998; and Model MD–90 airplanes, as listed in McDonnell Douglas Service Bulletin MD90–27–024, dated February 24, 1998; on which a piston assembly of the flight spoiler actuator having part number (P/N) 4913415–505 or 4913415–507 is installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the piston of the flight spoiler actuator and consequent puncturing of the aft spar web, which could result in fuel leakage and reduced structural integrity of the wings, accomplish the following:

(a) Within 18 months after the effective date of this AD, remove the forward attach pin of the outboard flight spoiler actuator of the left and right wings of the airplane, and perform a one-time visual inspection of the pin to determine whether it is of correct length, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC9–27–355 [for Model DC–9–10, –20, –30, –40, –50 series airplanes; Model C–9 (military) series airplanes; Model DC–9–81 (MD–81), –82 (MD–82), –83 (MD–83), and –87 (MD–87) series airplanes; and Model MD–88 airplanes], or MD90–27–024 (for Model MD–90 airplanes), both dated February 24, 1998, as applicable.

(1) *Condition 1 (Correct Length).* If the forward attach pin is of correct length, prior to further flight, modify the pin by reidentifying it with P/N 4935329–503, in accordance with the applicable service bulletin.

(2) *Condition 2 (Incorrect Length).* If the forward attach pin is of incorrect length, prior to further flight, perform a follow-on visual inspection of the piston lugs of the flight spoiler actuator for corrosion at the outer transition radii, or discrepancies of the cadmium plating of the lugs, in accordance with the applicable service bulletin.

(i) If no corrosion or discrepancy of the cadmium plating of the lugs is detected, prior to further flight, install a forward attach pin, P/N 4935329–503, that is new, serviceable, or reidentified in accordance with paragraph (a)(1) of this AD, and install a new washer and nut; in accordance with the applicable service bulletin.

(ii) If any corrosion or discrepancy of the cadmium plating of the lugs is detected, prior to further flight, remove the actuator and attaching parts, and perform a high frequency eddy current inspection for cracking of the lugs of the actuator, in accordance with the applicable service bulletin.

(A) If no cracking of the lugs is detected, prior to further flight, reinstall the flight spoiler actuator and attaching parts, and install a forward attach pin, P/N 4935329–503, that is new, serviceable, or reidentified in accordance with paragraph (a)(1) of this AD, and install a new washer and nut; in accordance with the applicable service bulletin.

(B) If any cracking of the lugs is detected, prior to further flight, replace the existing piston assembly of the flight spoiler actuator with a new piston assembly having the same P/N; reinstall the flight spoiler actuator and attaching parts; and install a forward attach pin, P/N 4935329–503, that is new, serviceable, or reidentified in accordance with paragraph (a)(1) of this AD, and install a new washer and nut; in accordance with the applicable service bulletin.

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; fax (562) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9–27–355, dated February 24, 1998; or McDonnell Douglas Service Bulletin MD90–27–024, dated February 24, 1998; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 2, 1999.

Issued in Renton, Washington, on June 17, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–15926 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–36–AD; Amendment 39–11206; AD 97–21–01 R1]

RIN 2120–AA64

Airworthiness Directives; MT-Propeller Entwicklung GMBH Model MTV–3–B–C Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to MT-Propeller Entwicklung GMBH Model MTV–3–B–C propellers, that currently requires initial and repetitive dye penetrant or eddy current inspections for cracks in the propeller hub, and rework of the propeller hub or replacement with a new model propeller hub. This amendment allows the repetitive dye penetrant inspections to be performed on-wing as opposed to at approved propeller repair stations, and to mark B–050 propeller hubs that have been modified in accordance with

the current AD or this revision. This amendment is prompted by issuance of a revised service bulletin that describes procedures for on-wing inspections. The actions specified by this AD are intended to detect and prevent propeller hub cracks, which could result in propeller blade separation and possible loss of control of the airplane.

DATES: Effective August 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from MT-Propeller Entwicklung GMBH, Airport Straubing-Wallmuhle, D–94348 Atting, Germany; telephone (0 94 29) 84 33, fax (0 94 29) 84 32, Internet: ''propeller@aol.com''. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, 7th Floor, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7155, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising airworthiness directive (AD) 97–21–01, Amendment 39–62 FR 52225, October 7, 1997), which is applicable to MT-Propeller Entwicklung GMBH Model MTV–3–B–C propellers, was published in the **Federal Register** on December 1, 1998 (63 FR 66078). The action proposed to allow repetitive dye penetrant inspections to be performed on-wing as opposed to at approved propeller repair stations, and to mark B–050 propeller hubs that have been modified in accordance with the current AD or this revised AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 122 propellers of the affected design in the worldwide fleet. The FAA estimates that 57 propellers installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per propeller to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $17,100.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-10154 (62 FR 52225, October 7, 1997) and by adding a new airworthiness directive, Amendment 39–11206, to read as follows:

97–21–01 R1 MT-Propeller Entwicklung GMBH: Amendment 39–11206. Docket 97–ANE–36–AD. Revises AD 97–21–01, Amendment 39–10154.

Applicability: MT-Propeller Entwicklung GMBH Model MTV–3–B–C/L250–21 propellers. These propellers are installed on but not limited to Sukhoi 29 aircraft.

Note 1: This airworthiness directive (AD) applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller hub cracks, which could result in propeller blade separation and possible loss of control of the airplane, accomplish the following:

(a) Within 50 hours time-in-service (TIS) after the effective date of this AD, accomplish the following:

(1) Perform an initial dye penetrant or eddy current inspection of propeller hub, part number (P/N) B–050 or A–909–A, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH Service Bulletin (SB) No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station.

(2) If the propeller hub is found to be cracked, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(3) Rework propeller hubs, P/N B–050, by chamfering the hub bore to 0.08 inch x 45 degrees (for further information, see Detail Y of MT-Propeller Entwicklung GMBH SB No. 12C, dated March 4, 1998). Mark hubs that have been reworked in accordance with AD 97–21–01, or this revised AD, with the letters SB12C using a metal impression stamp (1/8 inch round bottom characters) above the propeller hub serial number and part number, located in the transition area between propeller blades 1 and 2 and the pitch change cylinder.

(b) Thereafter, perform dye penetrant or eddy current inspections, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH SB No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station:

(1) For propellers with hubs, P/N B–050, inspect at intervals not to exceed 50 hours TIS, or 6 months since last inspection, whichever occurs first.

(2) For propellers with hubs, P/N A–909–A, inspect at intervals not to exceed 200 hours TIS, or 12 months since last inspection, whichever occurs first.

(3) If the propeller hub is found to be cracked, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(c) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

(e) The actions required by this AD shall be accomplished in accordance with the following MT-Propeller Entwicklung GMBH SB:

Document No.	Pages	Date
12C ..... Total pages: 3.	1–3	March 4, 1998.

This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from MT-Propeller Entwicklung GMBH, Airport Straubing-Wallmuhle, D-94348 Atting, Germany; telephone (0 94 29) 84 33, fax (0 94 29) 84 32, Internet: ''propeller@aol.com''. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on August 27, 1999.

Issued in Burlington, Massachusetts, on June 16, 1999.

Jorge Fernandez,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–15924 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–62–AD; Amendment 39–11203; AD 99–13–10]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 206L–4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to BHTC Model 206L–4 helicopters, that requires replacing certain hydraulic relief valves (valves) with airworthy valves. This amendment is prompted by a pilot's report of intermittent hydraulic pressure in the flight controls that was caused by a defective hydraulic relief valve. The actions specified by this AD are intended to prevent intermittent hydraulic pressure to the flight controls and subsequent loss of control of the helicopter.

DATES: Effective August 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Flora, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5172, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to BHTC Model 206L–4 helicopters was published in the **Federal Register** on March 9, 1999 (64 FR 11401). That action proposed to require replacing certain valves with airworthy valves.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 78 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,380. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $112,320 to replace the valve in the entire fleet.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 99–13–10 Bell Helicopter Textron Canada: Amendment 39–11203. Docket No. 98–SW–62–AD.

Applicability: Model 206L–4 helicopters, serial numbers 52001 through 52208, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the

owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 300 hours time-in-service, unless accomplished previously.

To prevent intermittent hydraulic pressure to the flight controls and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove hydraulic relief valve, part number (P/N) 206–076–036–101, and replace it with an improved hydraulic relief valve, P/N 206–076–036–105, in accordance with the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 206L–98–111, dated July 24, 1998.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) Replacement of the valve shall be done in accordance with the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 206L–98–111, dated July 24, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 2, 1999.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–98–34, dated September 10, 1998.

Issued in Fort Worth, Texas, on June 15, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–15902 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–122–AD; Amendment 39–11211; AD 99–14–03]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 98–13–08, which currently requires replacing and re-routing the power return cables on the starter generator and the generator 2 on certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. AD 98–13–08 also requires inserting a temporary revision to the pilot operating handbook (POH), and installing a placard near the standby magnetic compass. This AD retains the actions currently required by AD 98–13–08 on all airplanes affected by that AD, and requires replacing the temporary revision to the POH and the placard near the standby magnetic compass with an improved procedural POH revision and placard. This AD also requires the placard and the temporary revision to the POH for additional manufacturer serial number Models PC–12 and PC–12/45 airplanes; and requires accomplishing improved Standby Magnetic Compass Swing procedures and incorporating a temporary revision to the maintenance manual on all of the affected airplanes. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to prevent directional deviation on the standby magnetic compass caused by modifications made to the airplane since manufacture, which could result in flight-path deviation during critical phases of flight.

DATES: Effective August 17, 1999.

The incorporation by reference of Pilatus PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, as specified in Pilatus Service Bulletin No. 34–006, dated September 3, 1998, as listed in the regulations is approved by the Director of the Federal Register as of August 17, 1999.

The incorporation by reference of Pilatus PC XII Service Bulletin No. 24–002, Rev. No. 1, dated September 20, 1996, as listed in the regulations was previously approved by the Director of Federal Register as of July 31, 1998 (63 FR 32975, July 17, 1998).

ADDRESSES: Service information that applies to this AD may be obtained from Pilatus Aircraft Ltd., Marketing Support Department, CH–6370 Stans, Switzerland; telephone: +41 41–6196 233; facsimile: +41 41–6103 351. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–122–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Pilatus Models PC–12 and PC–12/45 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 14, 1999 (64 FR 18382). The NPRM proposed to supersede AD 98–13–08, Amendment 39–10596 (63 FR 32975, June 17, 1998). AD 98–13–08 currently requires replacing and re-routing the power return cables on the starter generator and generator 2; inserting a temporary revision to the POH; and installing a placard near the standby magnetic compass, using at least ⅛inch letters, with the following words:

"STANDBY COMPASS FOR CORRECT READING CHECK: WINDSHIELD DE–ICE LH & RH HEAVY & COOLING SYSTEM OFF."

The NPRM proposed to retain the actions currently required by AD 98–13–08 on all airplanes affected by that AD (manufacturer serial numbers 101 through 147), and would require replacing the temporary revision to the POH and the placard near the standby magnetic compass with an improved procedural POH revision and placard. The NPRM also proposed to require the placard and the temporary revision to the POH for additional manufacturer serial number Models PC–12 and PC–12/45 airplanes; and would require accomplishing improved Standby Magnetic Compass Swing procedures and incorporating a temporary revision

to the maintenance manual on all of the affected airplanes. The placard will incorporate the following language:

''STANDBY COMPASS FOR CORRECT READING SWITCH: AVIONICS ON NAV & INSTRUMENT LIGHTING AS REQUIRED WINDSHIELD DE–ICE LH & RH OFF AUXILIARY HEATING SYSTEMS OFF AUXILIARY COOLING SYSTEM OFF''

Accomplishment of the proposed replacement and re-routing of the power return cables as specified in the NPRM would be required in accordance with Pilatus PC XII Service Bulletin No. 24–002, Rev. No. 1, dated September 20, 1996.

The proposed Standby Magnetic Compass Swing procedures as specified in the NPRM would be accomplished in accordance with PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, as specified in Pilatus Service Bulletin No. 34–006, dated September 3, 1998.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 70 airplanes in the U.S. registry will be affected by this AD.

Approximately 40 of these airplanes are affected by the power return cable replacement and re-routing requirements that are being retained from AD 98–13–08. The FAA estimates that it will take approximately 12 workhours per airplane to accomplish these actions, and that the average labor rate is approximately $60 an hour. Pilatus will provide parts at no cost to the owners/operators of the affected airplanes. Based on these figures, the cost impact of the replacement and re-routing requirements on U.S. operators is $28,800, or $720 per airplane. This AD imposes no additional replacement and re-routing cost impact upon U.S. operators of the affected airplanes over that currently required by AD 98–13–08.

Accomplishing the improved Standby Magnetic Compass Check Swing procedures will be required for approximately 70 airplanes and will take approximately 3 workhours per airplane to accomplish at an average labor rate of $60 per hour. Based on these figures, the cost impact on U.S. operators to accomplish the improved Standby Magnetic Compass Check Swing procedures will be $12,600, or $180 per airplane.

The POH revision and placard requirements will be required for approximately 70 airplanes. Incorporating the POH revisions and fabricating and installing a placard may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). The only cost impact the placard and POH revision requirements impose is the time it will take each owner/operator of the affected airplanes to incorporate this information into the POH and fabricate and install the placard.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98–13–08, Amendment 39–10596 (63 FR 32975, June 17, 1998), and by adding a new AD to read as follows:

99–14–03 Pilatus Aircraft LTD.: Amendment 39–11211; Docket No. 98–CE–122–AD, Supersedes AD 98–13–08, Amendment 39–10596.

Applicability: Models PC–12 and PC–12/45 airplanes, manufacturer serial numbers 101 through 230, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent directional deviation on the standby magnetic compass caused by modifications made to the airplane since manufacture, which could result in flight-path deviation during critical phases of flight, accomplish the following:

(a) For airplanes incorporating manufacturer serial numbers 101 through 147, within the next 100 hours time-in-service (TIS) after July 31, 1998 (the effective date of AD 98–13–08), accomplish the following:

(1) Replace the starter generator cable and the generator 2 power return cables with new cables of improved design and re-route these cables, in accordance with the Accomplishment Instructions section in Pilatus PC XII Service Bulletin (SB) No. 24–002, Rev. No. 1, dated September 20, 1996.

(2) Remove the temporary revision titled ''Electrical Cables,'' dated March 7, 1996, from the Pilot Operating Handbook (POH) and insert a temporary revision titled ''Electrical Cables'' Rev. 1, dated July 12, 1996. Accomplish this action in accordance with the Accomplishment Instructions section in Pilatus PC XII SB No. 24–002, Rev. No. 1, dated September 20, 1996.

(b) For airplanes incorporating manufacturer serial numbers 101 through 147, within the next 50 hours TIS after the effective date of this AD, replace the placard installed near the standby magnetic compass that is required by AD 98–13–08, with a new placard that incorporates the following words (using at least ⅛inch letters):

STANDBY COMPASS FOR CORRECT READING SWITCH: AVIONICS ON NAV & INSTRUMENT LIGHTING AS REQUIRED WINDSHIELD DE–ICE LH & RH OFF AUXILIARY HEATING SYSTEMS OFF AUXILIARY COOLING SYSTEM OFF

This placard is referenced in Pilatus Service Bulletin No. 34–006, dated September 3, 1998.

(c) For airplanes incorporating manufacturer serial numbers 148 through 230, within the next 50 hours TIS after the effective date of this AD, install a placard with the following words (using at least 1/8-inch letters) near the standby magnetic compass:

STANDBY COMPASS FOR CORRECT READING SWITCH: AVIONICS ON NAV & INSTRUMENT LIGHTING AS REQUIRED WINDSHIELD DE–ICE LH & RH OFF AUXILIARY HEATING SYSTEMS OFF AUXILIARY COOLING SYSTEM OFF

This placard is referenced in Pilatus Service Bulletin No. 34–006, dated September 3, 1998.

(d) For all affected manufacturer serial number airplanes, within the next 50 hours TIS after the effective date of this AD, accomplish the following:

(1) Insert Pilatus Report No. 01973–001, Temporary Revision, Standby Compass, dated July 16, 1998, into the Pilot Operating Handbook (POH).

(2) Accomplish the improved Standby Magnetic Compass Check Swing procedures in accordance with Pilatus PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, as specified in Pilatus Service Bulletin No. 34–006, dated September 3, 1998.

(3) Insert Pilatus PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, in chapter 34–21–00 facing page 502 of the maintenance manual. Disregard existing pages 502 through 506.

(e) Accomplishment of the POH revision, maintenance manual insertions, and placard fabrication and installation, as required by paragraphs (a)(2), (b), (c), (d)(1), and (d)(3) of this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(f) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 98–13–08 are not considered approved as alternative methods of compliance for this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(h) Questions or technical information related to the service information referenced in this AD should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6370 Stans, Switzerland; telephone: +41 41 6196 233; facsimile: +41 41 6103 351. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(i) The replacement and modification of the starter generator cable and the generator 2 power return cable and the POH revision replacement required by this AD shall be done in accordance with Pilatus PC XII Service Bulletin No. 24–002, Rev. No. 1, dated September 20, 1996. The Standby Magnetic Compass Check Swing procedures required by this AD shall be done in accordance with Pilatus PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, as specified in Pilatus Service Bulletin No. 34–006, dated September 3, 1998.

(1) The incorporation by reference of Pilatus PC XII Service Bulletin No. 24–002, Rev. No. 1, dated September 20, 1996, was previously approved by the Director of the Federal Register in accordance with 5 U.S.C.. 552(a) and 1CFR part 51, as of July 31, 1998 (63 FR 32975, July 17, 1998).

(2) The incorporation by reference of Pilatus PC–12 Maintenance Manual Temporary Revision No. 34–03, dated July 16, 1998, as specified in Pilatus Service Bulletin No. 34–006, dated September 3, 1998, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Copies may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6370 Stans, Switzerland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Swiss AD HB–98–426, dated November 6, 1998.

(j) This amendment supersedes AD 98–13–08, Amendment 39–10596.

(k) This amendment becomes effective on August 17, 1999.

Issued in Kansas City, Missouri, on June 18, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16277 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–120–AD; Amendment 39–11210; AD 99–14–02]

RIN 2120–AA64

Airworthiness Directives; LET Aeronautical Works Model L33 SOLO Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain LET Aeronautical Works (LET) Model L33 SOLO sailplanes. This AD requires replacing the main wing attachment and wing spar root pins and modifying the corresponding area. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Czech Republic. The actions specified by this AD are intended to prevent structural failure of the wing attachments caused by the current design configuration, which could result in the wing separating from the sailplane with consequent loss of control.

DATES: Effective August 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 17, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from LET Aeronautical Works, 686 04 Kunovice, Czech Republic; telephone: +420 632 51 11 11; facsimile: +420 632 613 52. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–120–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain LET Model L33 SOLO sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 14, 1999 (64 FR 18384). The NPRM proposed to require replacing the main wing attachment and wing spar root pins and modifying the corresponding area. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with LET Mandatory Bulletin Number L33/008a, dated January 20, 1998.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Czech Republic.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 20 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 35 work hours per sailplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $900 per sailplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $60,000, or $3,000 per sailplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–14–02 Let Aeronautical Works: Amendment 39–11210; Docket No. 98–CE–120–AD.

Applicability: The following serial numbers of Model L33 SOLO sailplanes, certificated in any category:

930101 through 930205; 940206 through 940308;
940310 through 940316; 950318 through 950401;
950405 and 950406; 960402 through 960404; 960407, 960408, and 960410

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent structural failure of the wing attachments caused by the current design configuration, which could result in the wing separating from the sailplane with consequent loss of control, accomplish the following:

(a) Upon accumulating 1,500 hours time-in-service (TIS) on each wing attachment or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, replace the main wing attachment and wing spar root pins and modify the corresponding area. Accomplish these actions in accordance with the Work Procedure section of Mandatory Bulletin Number L33/008a, dated January 20, 1998.

Note 2: When shipping the parts required to accomplish the actions of this AD, LET Aeronautical Works will also send a service technician to train or assist mechanics within the geographic locations of the Model L33 SOLO sailplane owners.

(b) As of the effective date of this AD, no person may install, on any of the affected sailplanes, main wing attachments or wing spar root pins without accomplishing the modification specified in paragraph (a) of this AD, in accordance with the Work Procedure section of Mandatory Bulletin Number L33/008a, dated January 20, 1998.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to LET Mandatory Bulletin Number L33/008a, dated January 20, 1998, should be directed to LET Aeronautical Works, 686 04 Kunovice, Czech Republic; telephone: +420 632 51 11 11; facsimile: +420 632 613 52. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The replacements and modification required by this AD shall be done in

accordance with LET Mandatory Bulletin Number L33/008a, dated January 20, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from LET Aeronautical Works, 686 04 Kunovice, Czech Republic. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Czech Republic AD CCA–T–AD–1–024/98, dated March 23, 1998.

(g) This amendment becomes effective on August 17, 1999.

Issued in Kansas City, Missouri, on June 18, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16279 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–77–AD; Amendment 39–11209; AD 99–14–01]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–30, PA–31, PA–34, PA–39, PA–40, and PA–42 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 98–04–27, which currently requires incorporating certain icing information into the FAA-approved airplane flight manual (AFM) of The New Piper Aircraft, Inc. (Piper) PA–23, PA–30, PA–31, PA–34, PA–39, PA–40, and PA–42 series airplanes. The Federal Aviation Administration (FAA) inadvertently omitted Piper Models PA–31P, PA–31T, PA–31T1, PA–31T2, and PA–31P–350 airplanes from the Applicability section of AD 98–04–27. This AD retains the requirement of incorporating the icing information into the AFM for all airplanes affected by AD 98–04–27, and adds Piper Models PA–31P, PA–31T, PA–31T1, PA–31T2, and PA–31P–350 airplanes to the Applicability section of the AD. The actions specified by this AD are intended to minimize the potential hazards associated with operating these airplanes in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions.

DATES: Effective August 17, 1999.

ADDRESSES: This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–77–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Dow, Sr., Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper PA–23, PA–30, PA–31, PA–34, PA–39, PA–40, and PA–42 series airplanes was published in the **Federal Register** on September 24, 1998 (63 FR 51045). The NPRM proposed to supersede AD 98–04–27, Amendment 39–10339 (63 FR 7668, February 17, 1998). AD 98–04–27 currently requires revising the Limitations Section of the FAA-approved airplane flight manual (AFM) to specify procedures that would specify the following for PA–23, PA–30, PA–31, PA–34, PA–39, PA–40, and PA–42 series airplanes:

- Require flight crews to immediately request priority handling from Air Traffic Control to exit severe icing conditions (as determined by certain visual cues);
- Prohibit flight in severe icing conditions (as determined by certain visual cues);
- Prohibit use of the autopilot when ice is formed aft of the protected surfaces of the wing, or when an unusual lateral trim condition exists; and
- Require that all icing wing inspection lights be operative prior to flight into known or forecast icing conditions at night.

AD 98–04–27 also required revising the Normal Procedures Section of the FAA-approved AFM to specify procedures that would:

- Limit the use of the flaps and prohibit the use of the autopilot when ice is observed forming aft of the protected surfaces of the wing, or if unusual lateral trim requirements or autopilot trim warnings are encountered; and
- Provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions.

The NPRM proposed to retain from AD 98–04–27 the requirement of incorporating certain icing information into the FAA-approved AFM for the affected airplanes, and would add Piper Models PA–31P, PA–31T, PA–31T1, PA–31T2, and PA–31P–350 airplanes to the Applicability section of the AD.

The NPRM was the result of the FAA inadvertently omitting Piper Models PA–31P, PA–31T, PA–31T1, PA–31T2, and PA–31P–350 airplanes from the Applicability section of AD 98–04–27

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 5,265 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Since an owner/operator who holds at least a private pilot's certificate as authorized by §§ 43.7 and 43.9 of the Federal Aviation Regulations (14 CFR 47.7 and 43.9) can accomplish this action, the only cost impact upon the public is the time it will take the affected airplane owners/operators to incorporate the AFM revisions.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator will accomplish these actions in the future if this AD were not adopted.

In addition, the FAA recognizes that this action may impose operational costs. However, these costs are incalculable because the frequency of occurrence of the specified conditions and the associated additional flight time cannot be determined. Nevertheless, because of the severity of the unsafe condition, the FAA has determined that continued operational safety necessitates the imposition of the costs.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98–04–27, Amendment 39-10339 (63 FR 7668, February 17, 1998), and by adding a new AD to read as follows:

99–14–01 The New Piper Aircraft, Inc.: Amendment 39–11209; Docket No. 98–CE–77–AD; Supersedes AD 98–04–27, Amendment 39–10339.

Applicability: Models PA–23, PA–23–160, PA–23–235, PA–23–250, PA–E23–250, PA–30, PA–39, PA–40, PA–31, PA–31–300, PA–31–325, PA–31–350, PA–31P, PA–31T, PA–31T1, PA–31T2, PA–31P–350, PA–34–200, PA–34–200T, PA–34–220T, PA–42, PA–42–720, and PA–42–1000 airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as follows, unless already accomplished:

1. *For all affected airplanes, except for Models PA–31P, PA–31T, PA–31T1, PA–31T2, and PA–31P–350 airplanes:* Within 30 days after March 13, 1997 (the effective date of AD 98–04–27).

2. *For all Models PA–31P, PA–31T, PA–31T1, PA-31T2, and PA–31P–350 airplanes:* Within the next 30 days after the effective date of this AD.

To minimize the potential hazards associated with operating the airplane in severe icing conditions by providing more clearly defined procedures and limitations associated with such conditions, accomplish the following:

(a) At the applicable compliance time presented in the Compliance section of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

Note 2: Operators should initiate action to notify and ensure that flight crewmembers are apprised of this change.

(1) Revise the FAA-approved Airplane Flight Manual (AFM) by incorporating the following into the Limitations Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

WARNING

Severe icing may result from environmental conditions outside of those for which the airplane is certificated. Flight in freezing rain, freezing drizzle, or mixed icing conditions (supercooled liquid water and ice crystals) may result in ice build-up on protected surfaces exceeding the capability of the ice protection system, or may result in ice forming aft of the protected surfaces. This ice may not be shed using the ice protection systems, and may seriously degrade the performance and controllability of the airplane.

- During flight, severe icing conditions that exceed those for which the airplane is certificated shall be determined by the following visual cues. If one or more of these visual cues exists, immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the icing conditions.

—Unusually extensive ice accumulation on the airframe and windshield in areas not normally observed to collect ice.

—Accumulation of ice on the upper surface of the wing, aft of the protected area.

—Accumulation of ice on the engine nacelles and propeller spinners farther aft than normally observed.

- Since the autopilot, when installed and operating, may mask tactile cues that indicate adverse changes in handling characteristics, use of the autopilot is prohibited when any of the visual cues specified above exist, or when unusual lateral trim requirements or autopilot trim warnings are encountered while the airplane is in icing conditions.
- All wing icing inspection lights must be operative prior to flight into known or forecast icing conditions at night. [**Note:** This supersedes any relief provided by the Master Minimum Equipment List (MMEL).]''

(2) Revise the FAA-approved AFM by incorporating the following into the Normal Procedures Section of the AFM. This may be accomplished by inserting a copy of this AD in the AFM.

THE FOLLOWING WEATHER CONDITIONS MAY BE CONDUCIVE TO SEVERE IN-FLIGHT ICING

- Visible rain at temperatures below 0 degrees Celsius ambient air temperature.
- Droplets that splash or splatter on impact at temperatures below 0 degrees Celsius ambient air temperature.

Procedures for Exiting the Severe Icing Environment

These procedures are applicable to all flight phases from takeoff to landing. Monitor the ambient air temperature. While severe icing may form at temperatures as cold as -18 degrees Celsius, increased vigilance is warranted at temperatures around freezing with visible moisture present. If the visual cues specified in the Limitations Section of the AFM for identifying severe icing conditions are observed, accomplish the following:

- Immediately request priority handling from Air Traffic Control to facilitate a route or an altitude change to exit the severe icing conditions in order to avoid extended exposure to flight conditions more severe than those for which the airplane has been certificated.
- Avoid abrupt and excessive maneuvering that may exacerbate control difficulties.
- Do not engage the autopilot.
- If the autopilot is engaged, hold the control wheel firmly and disengage the autopilot.
- If an unusual roll response or uncommanded roll control movement is observed, reduce the angle-of-attack.
- Do not extend flaps when holding in icing conditions. Operation with flaps extended can result in a reduced wing angle-of-attack, with the possibility of ice forming on the upper surface further aft on the wing than normal, possibly aft of the protected area.
- If the flaps are extended, do not retract them until the airframe is clear of ice.
- Report these weather conditions to Air Traffic Control.

(b) Incorporating the AFM revisions, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in

accordance with § 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) All persons affected by this directive may examine information related to this AD at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 98–04–27, Amendment 39–10339.

(g) This amendment becomes effective on August 17, 1999.

Issued in Kansas City, Missouri, on June 18, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16278 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL TRADE COMMISSION

16 CFR Part 901

Procedures for State Application for Exemption From the Provisions of the Fair Debt Collection Practices Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This document amends the procedures by which a State may request that the Commission exempt certain debt collection practices within that State from the provisions of the Fair Debt Collection Practices Act. The amendments are intended to make the procedures more convenient and less burdensome by permitting supporting documents to be submitted in either paper or electronic form, and by eliminating the requirement that States submit certain information.

EFFECTIVE DATE: June 28, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas E. Kane, Attorney, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580, (202) 326–3224, E-mail [tkane@ftc.gov.].

SUPPLEMENTARY INFORMATION: The Fair Debt Collection Practices Act, 15 U.S.C. 1692 (''FDCPA''), prohibits the use of deceptive, unfair and unfair and abusive practices by third-party debt collectors. Section 817 of the FDCPA, 15 U.S.C. 1692o, requires that the Commission, by regulation, exempt from its requirements ''any class of debt collection practices within any State if the Commission determines that under the law of that State, the class of debt collection practices is subject to requirements substantially similar to those imposed by [the FDCPA], and that there is adequate provision for enforcement.'' Pursuant to that requirement, the Commission promulgated procedures for State applications for exemption from the provisions of the FDCPA (''Procedures''), 44 FR 21005 (Apr. 9, 1979). The Procedures, codified in 16 CFR Part 901, provide that any State may apply to the Commission for a determination that, under the laws of that State: (1) a class of debt collection practices within that State is subject to requirements that are substantially similar to, or provide greater protection for consumers than, those imposed under sections 803 through 812 of the FDCPA; and (2) there is adequate provision for State enforcement of such requirements. Since the adoption of these Procedures, the Commission has received one application for exemption, from the State of Maine, and granted that exemption.[1]

In accordance with the FDCPA and the Commission's plan for Periodic Review of Commission Rules,[2] the Commission published a document in the **Federal Register** on April 22, 1998, requesting public comments regarding the overall costs and benefits and continuing need for the Procedures.[3] The Commission received comments from the Maine Department of Professional and Financial Regulation (''Maine''), the Massachusetts Commission of Banks (''Massachusetts''), and the Credit Union National Association, Inc. (''CUNA'').

Comments Received and Amendments Adopted

Maine urged the Commission to maintain the Procedures in their current form. Massachusetts suggested that the Commission streamline the Procedures to make them less burdensome for states applying for an exemption. As noted below, the Commission has adopted several amendments that serve to streamline the Procedures.

CUNA recommended that the Procedures be amended to permit electronic applications over the Internet. The Commission agrees that the Procedures can be made more convenient for States by incorporating the use of current technology in the application process to the extent possible. Accordingly, the Commission is amending § 901.3 to clarify that States may submit documents supporting their applications in either paper or electronic form, thus allowing States to submit supporting documents, for example, by electronic mail over the Internet or on a floppy disk if they prefer that method to mailing paper copies of the documents. The Commission, however, has determined not to amend § 901.2 of the Procedures to permit States to file the exemption application itself electronically because that document must be signed, and the Commission's Rules of Practice require a hand signed signature. *See* 16 CFR 4.2(e) (filing requirements).

The Commission is also amending the Procedures to correct a technical inconsistency and eliminate the need for States to submit information not essential to the Commission in determining, for purposes of an exemption application, that State law and administrative enforcement offers at least as much protection as the FDCPA does. Specifically, § 901.3(d)(2) and (3) require States to submit documents showing that civil liabilities for a failure to comply with their State law are substantially similar to, or more extensive than, civil liabilities provided for under section 813 of the FDCPA. Section 901.4(b)(2) and (3) of the Procedures require that the Commission then compare the State civil liability provisions to the section 813 provisions. At the same time, however, § 901.6(d) provides that no exemption, if any, granted by the Commission shall extend to the civil liability provisions of section 813. This prohibition renders the results of the § 901.3(d)(2)–(3) and section 813 comparison superfluous. Although the Commission received no response to its request for comments on this issue,[4] it has deleted §§ 901.3(d)(2) and (3) and 901.4(b)(2) and (3) because they serve no critical purpose in light of the paragraph 901.6(d) limitation. Moreover, removing these paragraphs will benefit States that apply for FDCPA exemptions as well as the Commission by reducing the number of documents that the states must produce and the

[1] Notice of Maine Exemption from the Fair Debt Collection Practices Act, 60 FR 68173 (Dec. 27, 1995).

[2] 46 FR 35118 (July 7, 1981).

[3] 63 FR 19859.

[4] 63 FR at 19860 n.7.

number of statutory comparisons that the Commission must conduct.

Consistent with the Administrative Procedure Act, the Commission is adopting these amendments as final without further notice or public comment. *See* 5 U.S.C. 553(A), (B). To the extent these Procedures involve a ''collection of information'' within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501–3520, that collection has already been approved by the Office of Management and Budget (OMB) and assigned control number 3084–0047. The present amendments do not modify the existing requirements to require any new or additional collection of information. Furthermore, the requirements of the Regulatory Flexibility Act also do not apply to these amendments, which will not have a significant economic impact on a substantial number of small entities within the meaning of that Act. *See* 5 U.S.C. 601, 605(b).

List of Subjects in 16 CFR Part 901

Administrative practice and procedure, Consumer protection, Credit, Intergovernmental relations.

For the reasons set forth in the preamble, Part 901 of Chapter I of Title 16 of the Code of Federal Regulations is amended as follows:

PART 901—PROCEDURES FOR STATE APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE ACT

1. The authority citation for part 901 continues to read as follows:

Authority: Pub. L. 95–109, 91 Stat. 874, 15 U.S.C. 1692o; 5 U.S.C. 552.

2. Section 901.3 is amended by revising the introductory text and paragraph (d) to read as follows:

§ 901.3 Supporting documents.

The application shall be accompanied by the following, which may be submitted in paper or electronic form:

* * * * *

(d) A comparison of the provisions of the State law that provides for enforcement with the provisions of section 814 of the Act, together with reasons supporting the claim that such State law provides for administrative enforcement of the State law referred to in paragraph (a) of this section that is substantially similar to, or more extensive than, the enforcement provided under section 814 of the Act.

* * * * *

3. Section 901.4 is amended by revising paragraph (b) to read as follows:

§ 901.4 Criteria for determination.

* * * * *

(b) In determining whether provisions for enforcement of the State law referred to in § 901.3(a) are adequate, consideration will be given to the extent to which, under State law, provision is made for administrative enforcement, including necessary facilities, personnel, and funding.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–15841 Filed 6–25–99; 8:45 am]

BILLING CODE 6750–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1615

Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Correcting amendments.

SUMMARY: The Commission is amending the standard for the flammability of children's sleepwear sizes 0 through 6X to correct several references to a paragraph that was redesignated when the Commission amended the standard in 1996. In this document, the Commission is also clarifying the definition of infant garments.

DATES: The corrections become effective on June 28, 1999.

FOR FURTHER INFORMATION CONTACT: Marilyn Borsari, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0400, extension 1370.

SUPPLEMENTARY INFORMATION: This document corrects several references in the children's sleepwear standard for sizes 0 through 6X that were not changed when the Commission amended the standard in 1996.[1] When the standard was amended to exempt infant garments, paragraph 1615.1(c), which defined ''item,'' was changed to 1615.1(d). Several references to this paragraph elsewhere in the standard were not changed to refer to the redesignated paragraph. This notice corrects those references. This notice also corrects the definition of infant garments in paragraph 1615.1(c). As currently worded, the language seems to apply to children aged 9 months or younger, rather than garments sized 9 months or smaller. Garments sized 9 months are typically worn by children who are actually 5 or 6 months old. This notice clarifies the definition by defining an infant garment as ''a garment that is sized nine months or smaller,'' rather than by defining it as ''a garment that is sized for a child nine months of age or younger.'' Because these are technical corrections rather than substantive rules, there is no need to delay the effective date. 5 U.S.C. 553(d).

[1] Commissioners Mary Gall and Thomas Moore voted to issue this correction notice. Chairman Ann Brown abstained.

List of Subjects in 16 CFR Part 1615

Clothing, Consumer protection, Flammable materials, Infants and children, Labeling, Reporting and recordkeeping requirements, Sleepwear, Textiles, Warranties.

Accordingly, 16 CFR part 1615 is corrected by making the following correcting amendments:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X

1. The authority citation for part 1615 continues to read as follows:

Authority: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

§ 1615.1 [Corrected]

2. In § 1615.1(c)(1) remove the words ''Is sized for a child nine months of age or younger'' and add, in their place ''Is sized nine months or smaller''.

§ 1615.2 [Corrected]

3. In § 1615.2(a), (b) and (c) remove the words ''§ 1615.1(c)'' and add, in their place ''§ 1615.1(d)''.

§ 1615.64 [Corrected]

4. In § 1615.64(a)(1) and (b) remove the words ''§ 1615.1(c)'' and add, in their place ''§ 1615.1(d)''.

Dated: June 22, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 99–16321 Filed 6–25–99; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

Final Rule; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In accordance with the fiscal year 1999 appropriations legislation for the Consumer Product Safety Commission, the Commission is modifying certain amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14. As the appropriations legislation directed, the Commission previously proposed to revoke these amendments. Elsewhere in this issue of the **Federal Register**, the Commission is withdrawing that proposed revocation. The Commission is modifying the amendments to require that tight-fitting sleepwear bear a label and hangtag informing consumers why the garments should fit snugly. Also, elsewhere in this issue of the **Federal Register**, the Commission is correcting several references to a paragraph that was redesignated when the standards were amended in 1996. In that notice, the Commission is also clarifying the definition of infant garments.

DATES: The rule will become effective on June 28, 2000 and will apply to garments manufactured or imported after that date. The incorporation by reference of certain publications in the regulations is approved by the Director of the Federal Register as of June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Marilyn Borsari, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0400, extension 1370.

SUPPLEMENTARY INFORMATION:

A. Background

The Commission is modifying exemptions from its standards for the flammability of children's sleepwear to require certain labels and hangtags. The Commission administers two flammability standards for children's sleepwear. 16 CFR part 1615 and part 1616. In 1996, the Commission amended these standards to exempt infant garments sized nine months or smaller and tight-fitting garments larger than size nine months. To qualify as tight-fitting, garments must not exceed the maximum dimensions specified for each size. 61 FR 47634, September 9, 1996. Technical amendments issued on January 19, 1999 made slight adjustments to certain measurement locations. 64 FR 2833, January 19, 1999.

On October 21, 1998, Congress enacted fiscal year 1999 appropriations for the Commission. Public Law 105–276. Section 429 of that law required the Commission to propose to revoke the 1996 amendments to the sleepwear standards. The Commission issued the proposed revocation on January 19, 1999. 64 FR 2867, January 19, 1999. The appropriations legislation directed the Commission to issue a final rule revoking, maintaining or modifying the 1996 amendments and any later amendments by July 1, 1999. The legislation further directed the Commission to consider reports by the General Accounting Office (''GAO'') and other available information in making its decision on the amendments. Congress stated that the rulemaking conducted with respect to this matter is not subject to (1) the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, (2) the Flammable Fabrics Act, 15 U.S.C, 1191 *et seq.*, (3) the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, (4) the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (5) the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, or (6) any other statute or Executive order.

After reviewing the GAO reports, comments submitted in response to the proposed revocation and other available information, the Commission has decided to modify the 1996 amendments to require certain labels and hangtags.[1] Elsewhere in this issue of the **Federal Register**, the Commission withdraws the proposed revocation and explains why the exemptions should be retained.[2] Also, elsewhere in this issue of the **Federal Register**, the Commission is correcting several references to a paragraph that was redesignated when the standards were amended in 1996.[3]

B. Existing Information and Education

When the Commission proposed amendments in 1994 to exempt tight-fitting garments from the children's sleepwear flammability standards it proposed that these garments bear a label stating: ''Garment is not flame resistant. For child's safety, garment should be tight-fitting. Loose-fitting clothing is more likely to contact an ignition source and burn.'' 59 FR 53624, October 25, 1994. Some comments to the proposed rule criticized the proposed labeling as too lengthy and too negative. Some comments suggested that an educational effort informing consumers about tight-fitting sleepwear would be more appropriate. 61 FR 47639–40, September 9, 1996. The Commission considered these comments and decided not to require labeling in the final amendments. The preamble to the final rule stated:

> The Commission concludes that a well-designed and broadly disseminated information and education campaign, developed with guidance from the Commission, will be a better means to inform consumers about appropriate selection and use of the tight-fitting garments exempted from the sleepwear standards * * *

Id. 47640. The Commission envisioned a broad information and education (''I&E'') campaign that would include point of sale materials such as hangtags, labeling statements on packages, consumer brochures, and store signs as well as a national media campaign. *Id.* Commission staff worked with industry through the American Apparel Manufacturers Association (''AAMA'') to develop such materials. There were some initial delays in implementing the I&E campaign due to technical changes needed in the amendments. In part as a result of this, the industry never fully implemented the coordinated, consistent safety message campaign the Commission envisioned. Thus, the type of full-scale voluntary campaign that would reliably inform consumers of the importance of snug fit for these garments has not materialized.

The Commission held a public hearing on April 22, 1999 to obtain additional information about the proposed revocation. Through both the written comments on the proposed revocation and oral testimony the Commission heard criticisms of the existing I&E effort. These commenters stated that when consumers purchase sleepwear they often have little or no information to guide them. According to commenters, informal surveys conducted at various retailers in different parts of the country revealed that some tight-fitting sleepwear did not have hangtags or labels. When tags and labels were present they were sometimes obscured by other tags, stickers or promotional information. Labels might identify a sleepwear garment as 100% cotton, but would not say anything about how the garment should fit or its flammability. Some stores had confusing signs and intermingled sleepwear with non-sleepwear items. (Testimony of Mary Weitzel, Marcia Mabee.)

C. The GAO Report on I&E

The Conference Committee Report on the appropriations bill that required the Commission to propose to revoke the sleepwear amendments directed GAO to assess the information and education (''I&E'') campaign that industry and the

[1] Commissioners Mary Gall and Thomas Moore voted to require labeling. Chairman Ann Brown abstained.

[2] Commissioners Mary Gall and Thomas Moore voted to withdraw the proposed revocation. Chairman Ann Brown voted against withdrawal.

[3] Commissioners Mary Gall and Thomas Moore voted to issue the corrections. Chairman Ann Brown abstained.

Commission conducted (H.R. Rep. No. 769, 105th Cong., 2d Sess. 267 (1998)).

GAO visited more than 70 retail stores in 14 metropolitan areas across the country. It found hangtags on 73 percent of tight-fitting sleepwear garments. The most common hangtags were the ones that AAMA designed in conjunction with CPSC. The other types of hangtags varied greatly in design but had similar language. Fewer than 16 percent of stores displayed consumer education brochures or signs about sleepwear safety. About 63 percent of stores mixed other clothing (such as long underwear and loose-fitting shirts) along with sleepwear in retail displays. GAO concluded that consumers generally get some information from point of sale materials, but not to the extent the Commission had envisioned. GAO found that concerns about the initial acceptance of tight-fitting sleepwear and fears that the standards might change made industry reluctant to provide more I&E. (70)

The Commission believes that consumers need information to choose appropriate sleepwear. The GAO report confirms that some information, particularly on hangtags, is available, but more needs to be done. The labeling rule the Commission is adding to the standards should ensure that consumers have the information they need about the importance of fit for tight-fitting sleepwear.

D. The Labeling Rule

Without the comprehensive I&E campaign the Commission envisioned, consumers do not have the information necessary to choose appropriate sleepwear. Because not all members of the industry have presented a consistent, clear message to consumers, the Commission believes that it is necessary to modify the amendments to require standardized information in clearly visible labels and hangtags.

Testimony at the public hearing and comments to the proposed revocation indicate that some sleepwear manufacturers do provide hangtags and/or labels indicating that garments are tight-fitting. Many others do not. If a label is present, text, format, and size of the labels or hangtags vary. Because of these variations, consumers may not recognize that these garments should be worn to fit snugly. Consumers may mistake some of these labels and hangtags as promotional literature, and therefore may not read the safety message. In contrast, mandatory labels and hangtags will present information in a consistent and conspicuous style. (65)

Hangtags on each garment will inform consumers at the point-of-purchase that the garment should be worn snug-fitting because it is not flame-resistant. The hangtag states: ''For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire.'' The rule specifies the size, font and text of the hangtag. The tags must have black lettering against a yellow background. Specifying these requirements will ensure that the hangtags are distinctive and will not be confused with other tags on the garment. If garments are sold in packages, the packages must display the information that would otherwise be on the hangtag. (65)

The permanent label will provide a shorter message. Because it will remain with the garment, consumers will be able to distinguish between tight-fitting and flame-resistant sleepwear over the garment's life. The label states: ''Wear Snug-fitting, Not Flame Resistant.'' It must appear on the front of the sizing label immediately below the size designation. The text must contrast with the background color of the label. (65)

E. Effective Date

Although Congress stated that the Flammable Fabrics Act (''FFA'') does not apply to this proceeding, the FFA provides some guidance for an appropriate effective date. The FFA requires a twelve-month effective date unless there is good cause for a different date. 15 U.S.C. 1193(b). The Commission concludes that twelve months is appropriate for the labeling rule. This should allow manufacturers time to print and apply new labels. One year will allow them to make these changes in the course of their usual production schedules. (61) To minimize disruption the rule will apply only to garments manufactured or imported after the effective date.

List of Subjects in 16 CFR Parts 1615 and 1616

Clothing, Consumer protection, Flammable materials, Incorporation by reference, Infants and children, Labeling, Reporting and recordkeeping requirements, Textiles, Warranties.

Pursuant to Public Law 105–276, and for the reasons given above, the Commission hereby amends title 16 of the Code of Federal Regulations, Chapter II, Subchapter D, Parts 1615 and 1616 as follows:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X

1. The authority citation for part 1615 is revised to read as follows:

Authority: Sec. 429, Pub. L. 105–276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

2. Section 1615.1 is amended to add new paragraphs (o)(10) and (o)(11) to read as follows:

§ 1615.1 Definitions.

* * * * *

(o) * * *

(10)(i) *Hangtags*. Bears a hangtag as shown following this paragraph stating ''For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire.'' The hangtag must measure 1½″ × 6¼″. The text must be enclosed in a text box that measures 1″ × 5¾″ and must be in 18 point Arial font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1–1998, Safety Color Code, p.6, under Munsell Notation.[2] One side of the hangtag must display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag must be prominently displayed on the garment.

BILLING CODE 6355–01–P

[2] ANSI Z535.1–1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available from the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rossylyn, Virginia 22209. This document is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355–C

(ii) *Packages.* If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would appear on the hangtag. The label must have a text box that measures ¾″ x 3¾″. The text must be 11 point Arial in black lettering against a yellow background. The packages must be prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

BILLING CODE 6355–01–P

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355–C

(11) Bears a label as shown following this paragraph stating ''Wear Snug-fitting, Not Flame Resistant.'' The text must be printed on the front of the sizing label located on the center back of the garment and must be immediately below the size designation. The text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

BILLING CODE 6355–01–P

WEAR SNUG-FITTING

NOT FLAME RESISTANT

BILLING CODE 6355–01–C

3. In § 1615.4, footnotes 2 through 4 are redesignated as footnotes 3 through 5 respectively.

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14

1. The authority citation for part 1616 is revised to read as follows:

Authority: Sec. 429, Pub. L. 105–276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–570; 15 U.S.C. 1193.

2. Section 1616.2 is amended to add new paragraphs (m)(10) and (m)(11) to read as follows:

§ 1616.2 Definitions.

* * * * *

(m) * * *

(10)(i) *Hangtags.* Bears a hangtag as shown following this paragraph stating ''For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire.'' The hangtag must measure 1½″ × 6¼″. The text must be enclosed in a text box that measures 1″ × 5¾″ and must be in 18 point Arial font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1–1998, Safety Color Code, p.6, under Munsell Notation.[2] One side of the hangtag must

[2] ANSI Z535.1–1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available

display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag must be prominently displayed on the garment.

BILLING CODE 6355–01–P

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355–01–C

(ii) *Packages.* If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would appear on the hangtag. The label must have a text box that measures ¾″ × 3¾″. The text must be 11 point Arial in black lettering against a yellow background. The packages must be prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

BILLING CODE 6355–01–P

For child's safety, garment should fit snugly.

This garment is not flame resistant.

Loose-fitting garment is more likely to catch fire.

BILLING CODE 6355–01–C

(11) Bears a label as shown following this paragraph stating ''Wear Snug-fitting, Not Flame Resistant.'' The text must be printed on the front of the sizing label located on the center back of the garment and must be immediately below the size designation. The text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

BILLING CODE 6355–01–P

WEAR SNUG-FITTING

NOT FLAME RESISTANT

from the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rossylyn, Virginia 22209. This document is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

BILLING CODE 6355–01–C

3. In § 1616.5, redesignate footnotes 2 through 6 as footnotes 3 through 7 respectively.

Dated: June 22, 1999.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

(**Note:** Not to be printed in Code of Federal Regulations)

List of Relevant Documents

(**Note:** Not to be printed in Code of Federal Regulations)

1. Memorandum from Liz Gomilla, Division of Regulatory Management and Eric Stone, Division of Administrative Litigation, to Terance R. Karels, Project Manager, dated March 13, 1992, entitled ''Problems Associated with Enforcement of the Children's Sleepwear Standards.''
2. Memorandum from Bea Harwood and Terry L Kissinger, EPHA, to Terrance R. Karels, Project Manager, dated April 20, 1992, entitled ''Injury Data Related to the Sleepwear Flammability Standards and Information on Surveys of Burn Treatment Centers.''
3. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, dated May 6, 1992, entitled ''Final Report, Children's Sleepwear Project.''
4. Memorandum from Anthony C. Homan, ECPA, to Terrance R. Karels, Project Manager, dated March 25, 1992, entitled ''Market Sketch—Children's Sleepwear.''
5. Briefing Memorandum from Terrance R. Karels to the Commission, dated November 3, 1992.
6. **Federal Register** notice ''Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Advance Notice of Proposed Rulemaking,'' published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4111).
7. **Federal Register** notice ''Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Stay of Enforcement,'' published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4078).
8. Tabular summaries of comments and staff responses to comments to the Advance Notice of Proposed Rulemaking; 50 pages; July 19, 1994.
9. ''Statement by The Children's Sleepwear Coalition In Response to the Consumer Product Safety Commission's Advance Notice of Proposed Rulemaking''; March 25, 1993.
10. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Technical Rationale Supporting Tight-Fitting Children's Sleepwear Garments''; March 14, 1994.
11. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Recent Conversation Between Staff of Consumer and Corporate Affairs Canada and Commission Staff''; July 17, 1992.
12. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Injury Data Related to the Children's Sleepwear Standards''; February 8, 1994.
13. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Results of Review of Available Literature,'' and attachments; April 1, 1994.
14. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Human Factors Issues Regarding Sleepwear,'' and attachment; March 8, 1994.
15. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Garments Intended for Infants''; July 8, 1994.
16. ''Preliminary Regulatory and Regulatory Flexibility Analyses for the Proposed Amendments to the Children's Flammability Standards,'' by Anthony C. Homan, Directorate for Economic Analysis; June, 1994.
17. ''Market Sketch—Children's Sleepwear,'' by Anthony C. Homan, Directorate for Economic Analysis; March, 1992.
18. Memorandum from Eva S. Lehman, HSPS, to Terrance R. Karels, ECPA, entitled ''Toxicological Evaluation of Fabrics Used in Children's Sleepwear''; June 7, 1994.
19. Memorandum from Patricia Fairall, CERM, to Terrance Karels, ECPA, entitled ''Compliance History—Enforcement of Children's Sleepwear''; 6 pages; April 20, 1994.
20. Memorandum from James F. Hoebel, Acting Director, ESME, to Terrance R. Karels, ECPA, entitled ''Amendments to Children's Sleepwear Standards''; July 7, 1994.
21. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Proposed Amendment to Children's Sleepwear Standards''; July 15, 1994.
22. **Federal Register** notice ''Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14; Proposed amendments'' published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53616).
23. **Federal Register** notice ''Continuation of Stay of Enforcement of Standards for the Flammability of Children's Sleepwear, Sizes 0 Through 6X and 7 Through 14'' published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53584).
24. Comments on proposed amendments.
25. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Injury Data Related to the Children's Sleepwear Standards''; July 12, 1995.
26. Letter from Carole LaCombe, Director, Product Safety Canada, to Eric C. Peterson, Executive Director, Consumer Product Safety Commission, concerning Canadian standards for the flammability of children's sleepwear; September 13, 1993.
27. Memorandum from Linda Fansler, ES, concerning telephone conversation between staff of the Consumer Product Safety Commission and staff of Consumer and Corporate Affairs Canada on June 18, 1992, concerning the Canadian standards for the flammability of children's sleepwear.
28. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Tight Fitting Children's Sleepwear''; July 14, 1995.
29. Memorandum from Terrance R. Karels, Project Manager, to Warren J. Prunella, Associate Executive Director for Economic Analysis, entitled ''Sleepwear Market Update''; October 6, 1995.
30. Final Regulatory Analysis for amendments of the children's sleepwear standards by Terrance R. Karels; July 1995.
31. Memorandum from David Schmeltzer, Assistant Executive Director for Compliance, to Terrance Karels, Project Manager, entitled ''Sleepwear Briefing Package''; August 24, 1995.
32. Memorandum from Patricia Fairall, Compliance Officer, to Terrance Karels, Project Manager, entitled ''Compliance Discussion of the Proposed Amendments to the Children's Sleepwear Standards''; June 26, 1995.
33. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Response to Public Comments Received after Publication of the Notice of Proposed Rulemaking''; July 12, 1995.
34. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Human Factors Responses to Sleepwear NPR Comments''; May 5, 1995.
35. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Response to Comments''; July 14, 1995.
36. Memorandum from Suad Nakamura, Ph.D., EHPS, to Terrance R. Karels, Project Manager, entitled ''Children's Sleepwear—Response to Comments on the Notice of Proposed Rulemaking''; July 19, 1995.
37. Memorandum from Patricia Fairall, Compliance Officer, to Terrance R. Karels, Program Manager, entitled ''Response to Comments from Proposed Amendments to the Children's Sleepwear Standards published in the **Federal Register** on October 25, 1994''; June 26, 1995.
38. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Response to Letter from John Krasny to James Hoebel''; August 3, 1995.
39. Memorandum from George Sweet, ESHA, to Terrance R. Karels, ECPA, entitled ''Issues involved in amendment the sleepwear flammability regulation: Sizing and Labeling''; September 20, 1995.
40. Memorandum from Karen G. Krushaar, OIPA, to Terrance R. Karels, ECPA, entitled ''Children's Sleepwear Informational Campaign''; July 11, 1995.
41. Position statement of the National Fire Protection Association and the Learn Not to Burn Foundation in Opposition to the Proposed Amendment of the Children's Sleepwear Standards; July 1995.
42. Letter from John F. Krasny to J. F. Hoebel concerning paper by Vickers, Krasny, and Tovey entitled ''Some Apparel Fire Hazard Parameters''; July 17, 1995.
43. Memorandum from Linda Fansler, ESME, concerning telephone conversation with John Krasny on September 20, 1995.
44. Log of public meeting conducted on April 25, 1995, concerning proposed amendments of the children's sleepwear flammability standards.
45. Memorandum from James F. Hoebel, Chief Engineer for Fire Hazards, to Terrance R. Karels, Project Manager, entitled ''Children's Sleepwear''; October 10, 1995.

46. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to file concerning small business effects of proposed amendments to the children's sleepwear flammability standards; February 17, 1995.

47. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to Eric A. Rubel, General Counsel, concerning requirements for Congressional review of final amendments to the children's sleepwear standards; undated.

48. Vote sheet to accompany briefing package on children's sleepwear flammability standards; October 11, 1995.

49. Memorandum from Terrance R. Karels, Project Manager, and Ronald L. Medford, Assistant Executive Director for Hazard Identification and Reduction entitled ''Questions Regarding Children's Sleepwear Amendments,'' with attachments; January 30, 1996.

50. **Federal Register** notice ''Proposed Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27877). Corrected on June 11, 1998 (63 FR 31950).

51. **Federal Register** notice ''Proposed Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27885).

52. **Federal Register** notice ''Final Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2833).

53. **Federal Register** notice ''Final Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2832).

54. **Federal Register** notice ''Proposed Revocation of Amendments; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2867).

55. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety commission, ''Injury Data Insufficient to Assess the Effect of the Changes to the Children's Sleepwear Safety Standard,'' GAO/HEHS–99–64, April 1999.

56. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, ''Sleepwear Revocation,'' list of comments on CF99–1, March 17, 1999.

57. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, ''Sleepwear Revocation,'' list of additional comments on CF99–1, March 29, 1999.

58. U.S. Consumer Product Safety Commission Public Hearing on Proposed Revocation of Amendments to Children's Sleepwear Standards, agenda with presenters, April 22, 1999.

59. Memorandum from Marilyn Borsari, Office of Compliance to Margaret Neily, Directorate for Engineering Sciences, ''Enforcement History of Children's Sleepwear Standards,'' May 12, 1999.

60. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, ''Children's Sleepwear Revocation Project,'' May 27, 1999.

61. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, ''Children's Sleepwear—Issues Related to Proposed Revocation,'' May 27, 1999.

62. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, ''Sleepwear-Related Thermal Burns in Children under 15 Years Old,'' June 1, 1999.

63. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, ''Response to Public Comments Related to the Children's Sleepwear Flammability Requirements for sizes 0 to 9 Months,'' May 28, 1999.

64. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, ''Human Factors Issues in Sleepwear,'' May 27, 1999.

65. Memorandum from Carolyn Meters, ES, to Margaret Neily, ES, ''Labeling of Tight-Fitting Sleepwear,'' May 27, 1999.

66. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, ''Review of Foreign Flammability Standards for Children's Sleepwear,'' May 25, 1999.

67. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, ''Response to Comments Received as a Result of Publishing the Children's Sleepwear Revocation Proposal,'' May 28, 1999.

68. Log of Telephone Call, Linda Fansler, LSE, with Ms. Christine Simpson, Health Canada, Product Safety Bureau, March 31, 1999.

69. Memorandum from Margaret L. Neily, ES, to File, ''Analysis of Public Comments on Proposed Revocation of the 1996 and Subsequent Amendments to the Children's Sleepwear Flammability Standards,'' May 27, 1999.

70. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety Commission, ''Consumer Education Efforts for Revised Children's Sleepwear Safety Standard'' June 1999.

71. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, ''Summary of GAO report, ''Consumer Education Efforts for Revised Children's Sleepwear Safety Standard,'' May 27, 1999.

72. Briefing Memorandum from Ronald L. Medford, Office of Hazard Identification and Reduction and Margaret L. Neily, ES, to the Commission, ''Children's Sleepwear Flammability Standards—Analysis of Public Comments on the Proposed Revocation of the September 1996 and Subsequent Amendments,'' June 3, 1999.

[FR Doc. 99–16320 Filed 6–25–99; 8:45 am]

BILLING CODE 6355–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. IA–1804]

Delegation of Authority to Cancel Registration of Certain Investment Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is amending its rules to delegate its authority to the Director of the Division of Investment Management to cancel the registration of any investment adviser that is not eligible for Commission registration. This amendment updates the staff's delegated authority to reflect recent amendments to the Investment Advisers Act of 1940, and is intended to conserve Commission resources by permitting the staff to cancel, when appropriate, the registration of investment advisers that are not eligible to be registered with the Commission.

EFFECTIVE DATE: The rule will become effective June 28, 1999.

FOR FURTHER INFORMATION CONTACT: J. David Fielder, Senior Counsel, at (202) 942–0530, Task Force on Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0506.

SUPPLEMENTARY INFORMATION: The National Securities Market Improvement Act of 1996 (''Improvement Act'')[1] amended the Investment Advisers Act of 1940 (''Advisers Act'') to reallocate federal and state regulatory responsibility for investment advisers. Under section 203A of the Advisers Act, the Commission has regulatory responsibility for advisers with at least $25 million of assets under management and advisers to a registered investment company.[2] Section 203A prohibits all other advisers from registering with the Commission.[3]

Section 203(h) of the Advisers Act authorizes us to cancel the registration of certain investment advisers.[4] Before enactment of the Improvement Act, we had authority to cancel the registration

[1] Pub. L. No. 104–290, 110 Stat. 3416 (1996) (codified in scattered sections of the United States Code).

[2] 15 U.S.C. 80b–3a(a).

[3] 15 U.S.C. 80b–3a(a). The Commission has adopted a rule that exempts certain types of advisers from this prohibition. 17 CFR 275.203A–2.

[4] 15 U.S.C. 80b–3(h).

of advisers that were no longer in business, and we delegated this authority to the staff.[5] The Improvement Act amended Section 203(h) and gave us additional authority to cancel the registration of investment advisers that are ''prohibited from registering as an investment adviser under section 203A. * * *''[6] Today, we are delegating this authority to the staff as well.

We expect the staff periodically to identify advisers whose registration should be canceled because they are not eligible for Commission registration. The staff may submit matters to the Commission for consideration as it deems appropriate. Before the staff cancels the registration of any adviser, the staff will notify the adviser and provide an opportunity to dispute the basis for the proposed cancellation, and any investment adviser whose registration is canceled by the staff may appeal that decision directly to the Commission.[7]

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act, that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule.[8] Accordingly, notice and opportunity for public comment are unnecessary, and publication of the amendment 30 days before its effective date is also unnecessary.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200 continues to read in part as follows:

Authority: 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

* * * * *

2. Section 200.30–5 is amended by revising paragraph (e)(2) to read as follows:

§ 200.30–5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(e) * * *

(2) Pursuant to section 203(h) of the Act (15 U.S.C. 80b–3(h)), to authorize the issuance of orders canceling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence, not engaged in business as investment advisers, or are prohibited from registering as investment advisers under Section 203A of the Act (15 U.S.C. 80b–3a).

* * * * *

Dated: June 22, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16316 Filed 6–25–99; 8:45 am]

BILLING CODE 8010–01–P

[5] We have delegated this authority to the Division of Investment Management (17 CFR 200.30–5(e)(2)), the Office of Filings and Information Services (17 CFR 200.30–11(b)(2)(i)), and the Office of Compliance, Inspections and Examinations (17 CFR 200.30–18(h)(1)).

[6] 15 U.S.C. 80b–3(h).

[7] 17 CFR 201.430.

[8] 5 U.S.C. 553(b)(3)(A).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 20

46 CFR Part 5

[USCG–1998–3472]

RIN 2115–AF59

Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim rule.

SUMMARY: This document corrects the interim rule (USCG–1998–3472) as published on May 24, 1999. The rule revises the rules for Practice, Procedure, and Evidence for Administrative Proceedings.

EFFECTIVE DATE: This correction is effective June 28, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility (USCG–1998–3472), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. They are also available over the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call George J. Jordan, Attorney-Advisor, Office of the Chief Administrative Law Judge, telephone 202–267–0006. For questions on viewing, or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking was necessary as part of a Coast Guard effort to improve both (1) the administrative efficiency of Coast Guard adjudicative procedures in general and (2) proceedings against merchant mariners' credentials in particular. It follows an overall Coast Guard initiative to streamline its resources, yet maintain effectiveness in all affected areas.

The Coast Guard maintains two separate sets of procedural rules that govern administrative adjudication. 46 CFR part 5 contains the rules for Suspension and Revocation (S&R). These rules have their basis in criminal procedure. 33 CFR part 20 contains the rules for class II civil penalties. These rules have their basis in the Model Rules of Administrative Procedure and in other modern rules for civil procedures. Both sets of rules, however, contain outdated and inefficient procedures, many of which are not effective in the adjudication of Coast Guard actions.

This rulemaking consolidates both sets of rules in 33 CFR part 20. It removes those procedures that impede the efficient handling of cases. In addition, it revises those rules that are not consistent with relevant legal standards and practices.

Need for Correction

As published, the interim rule contained both a table that may prove to be misleading and a misnumbering. In the table, the acceptable methods of service did not correspond unambiguously to the types of filed documents. The misnumbering employed a roman numeral instead of an Arabic one.

Correction of Publication

Accordingly, correct the interim rule as published on May 24, 1999 (USCG–1998–3472), which is the subject of FR Doc. 99–12750, to read as follows:

§ 20.304 [Corrected]

1. On pages 28064 and 28065, correct TABLE 20.304(D) to read as follows:

* * * * *

TABLE 20.304 (D).—HOW TO SERVE FILED DOCUMENTS

Type of filed document	Acceptable methods of service
(1) Complaint.	(i) Certified mail, return receipt requested.

TABLE 20.304 (D).—HOW TO SERVE FILED DOCUMENTS—Continued

Type of filed document	Acceptable methods of service
(2) Default Motion.	(ii) Personal delivery. (iii) Express-courier service that has receipt capability.
(3) Answer.	(i) Mail. (ii) Personal delivery. (iii) Express-courier service. (iv) Fax.
(4) Any other filed document.	(i) Mail. (ii) Personal delivery. (iii) Express-courier service. (iv) Fax. (v) Other electronic means (at the discretion of the ALJ).

§ 20.304 [Corrected]

2. On page 28065, correct paragraph ''(e)(i)'' to read ''(e)(1)''.

* * * * *

Dated: June 22, 1999.

J E Shkor,

Chief Counsel.

[FR Doc. 99–16358 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07 99–036]

RIN 2115–AE47

Special Local Regulations: Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary Special Local Regulations are being adopted for the Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC. The event will be held from 9 p.m. to 9:30 p.m. Eastern Daylight Time (EDT) on July 4, 1999 in Calibogue Sound, Hilton Head, SC. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations become effective at 8:30 p.m. and terminate at 9:30 p.m. AST on July 4, 1999.

FOR FURTHER INFORMATION CONTACT: LTJG Angela Cooper at (843) 720–7748.

SUPPLEMENTARY INFORMATION:

Background and Purpose

These regulations are required to provide for the safety of life on navigable waters because of the inherent danger of fireworks that will be exploded during the Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC. In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication, as information concerning the exact date and times of the event were only recently received.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(f) of that order. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulated policies and procedures of DOT is unnecessary. The regulated area only encompasses a 1000 foot radius around the fireworks barge in approximate position of 32°08′2″N, 080°49′2″W. Further, the regulations will be in effect for only one hour.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this rulemaking will have a significant economic impact on a substantial number of small entities. Small entities include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 6705(b) that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect for approximately 1 hour in a limited area of Calibogue Sound.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways

Temporary Regulations

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Add temporary § 100.35T–07–036 to read as follows:

§ 100.35T–07–036 Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC.

(a) *Regulated Area.* A regulated area is established for the waters in Calibogue Sound, Hilton Head, SC, encompassing an area within a 1000 foot radius of the fireworks barge in position 32°08′2″N, 080°49′2″W. All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Group Charleston, SC.

(c) *Special Local Regulations.* Entry into the regulated area by other than event participants is prohibited, unless otherwise authorized by the Patrol Commander. Spectator craft are required to remain in a spectator area to be established by the event sponsor, The Club Group, LTD.

(d) *Dates.* These regulations become effective at 8:30 p.m. and terminate at 9:30 p.m. EDT on July 4, 1999.

Dated: June 16, 1999.

Norman T. Saunders,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 99–16359 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR PART 100

[CGD08–99–042]

RIN 2115–AE46

Special Local Regulations; 4th of July Celebration; Ohio River Mile 469.2—470.5, Cincinnati, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary Final Rule.

SUMMARY: Special local regulations are being adopted for the 4th of July Celebration. This event will be held on July 3, 1999 from 8 p.m. until 11 p.m. at Cincinnati, Ohio along the Ohio River. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: These regulations are effective from 8 p.m. until 11 p.m. on July 3, 1999.

ADDRESSES: Unless otherwise indicated, all documents referred to in this regulation are available for review at Marine Safety Office, Louisville, 600 Martin Luther King Jr. Place, Room 360, Louisville, KY 40202–2230.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeff Johnson, Chief, Port Management Department, USCG Marine Safety Office, Louisville, KY at (502) 582–5194, ext. 39.

SUPPLEMENTARY INFORMATION:

Drafting information. The drafters of this regulation are Lieutenant Jeff Johnson, Project Officer, Chief, Port Management Department, USCG Marine Safety Office, Louisville, KY, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would be impracticable. The details of the event were not finalized in sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a fireworks display. The event is sponsored by the JACOR Events. The fireworks will be launched from a deck barge in the Ohio River at approximately mile 469.9, mid-channel. Non-participating vessels will be able to transit the area after the river is reopened.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T08–041 is added to read as follows:

§ 100.35–T08–041 Ohio River at Cincinnati, Ohio.

(a) *Regulated area.* A regulated area is established on the Ohio River from mile 469.2 to 470.5.

(b) *Special Local Regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. ''Participants'' are those persons and/or vessels identified by the sponsor as taking part in the event. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessel assigned to patrol the event. The Coast Guard ''Patrol Commander'' is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) *Effective date:* This section is effective from 8 p.m. to 11 p.m. July 3, 1999.

Dated: June 14, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 99–16364 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–99–009]

RIN 2115–AE46

Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the special local regulation for annual fireworks displays in the First Coast Guard District. The final rule includes additional fireworks displays and arranges the events by month, date and location in an easy-to-read Table. This regulation is necessary to control vessel traffic within the immediate vicinity of the fireworks launch sites and to ensure the safety of life and property during each event.

DATES: This Final Rule becomes effective on June 28, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Office of Search and Rescue, First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Petty Officer William M. Anderson, Office of Search and Rescue, First Coast Guard District, (617) 223–8460.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 15, 1999, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Fireworks Displays Within the First Coast Guard District in the **Federal Register** (64 FR 18587). The Coast Guard received no comments on the NPRM rulemaking. A public hearing was not requested and none was held.

Background and Purpose

Each year, organizations in the First District sponsor fireworks displays in the same general location and time period. The table in 33 CFR 100.114 contains information that has been provided to the Coast Guard by the event sponsors. The event table description provides dates and location for events that take place annually. Each event uses a barge or on-shore site as the fireworks launch platform. The special local regulations control vessel movement within a 500-yard radius around the launch platforms to ensure the safety of persons and property. Coast Guard personnel on-scene may allow persons within the 500-yard radius should conditions permit. The Coast Guard may publish notices in the **Federal Register**, if an event sponsor reports a change to the listed event venue or date.

In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. It is imperative this regulation is in effect for events celebrated on the Fourth of July, which has the most display occurrences of the year. Any delay encountered in making this rule effective would be contrary to the public interest, as the rule is needed to ensure the safety of the boating public during these events.

Discussion of Changes

No comments were received in response to the NPRM. Due to an administrative oversight, one event from the preceding Special Local Regulation was not included in the NPRM, but should have been. The Hempstead New York Salute to Veterans Fireworks Display has been added to this final rule as event number 7.16 in the table. Also, the Coast Guard has deleted events, added new events and updated all event descriptions, as reported by the sponsor of the event.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed this rule under that Order. This final rule is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be minimal by reason of the late evening start times of each event, the short duration of each event, the advance notice provided to the marine community, and the location and small size of each regulated area. A full Regulatory assessment, under paragraph 10e of the regulatory policies and procedures of DOT, has been determined unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For the reasons stated in *Regulatory Evaluation*, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect your organization or business.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please call Petty Officer William M. Anderson, telephone 617–223–8460.

The Small Business and Agriculture Regulatory enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Unfunded Mandates

Under section 201 of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531), the Coast Guard assessed the effects of this rule on State, local, and tribal governments, in the aggregate, and the private sector. The Coast Guard determined that this regulatory action requires no written statement under section 202 of the UMRA (2 U.S.C. 1532) because it will not result in the expenditure of $100,000,000 in any one year by State, local, or tribal governments, in the aggregate, or the private sector.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impacts of this rule and concluded that under figure 2–1, paragraph 34(h), COMDTINST 16475.1C, this rule is categorically excluded from further environmental documentation.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this rule and reached the following conclusions.

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, Local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children From Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Records and recordkeeping requirements, Waterways.

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. Revise § 100.114 to read as follows:

§ 100.114 Fireworks displays within the First Coast Guard District.

(a) *Regulated area.* That area of navigable waters within a 500-year radius of the launch platform for each fireworks display listed in the following table.

FIREWORKS DISPLAY TABLE

May		
New York: 5.1	First and Second Saturday in May.	Name: Ellis Island Medals of Honor Ceremony. Sponsor: The Forum. Time: 10:00 p.m. to 12:00 a.m. Location: New York Harbor, Upper Bay. A barge approximately 360 yards east of Ellis Island. 40°41′15″/074°02′09″W (NAD 1983).
New York: 5.2	Friday before Memorial Day	Name: Hempstead Harbor. Sponsor: Town of North Hempstead, NY. Time: 8:30 p.m. to 10:30 p.m. Location: Hempstead Harbor. A barge approximately 335 yards north of Bar Beach. 40°49′54″N/073°39′14″W (NAD 1983).
New York: 5.3	Memorial Day	Name: South Street Seaport Memorial Day. Sponsor: South Street Seaport Marketplace. Time: 8:00 p.m. to 10:00 p.m. Location: East River Manhattan. A barge approximately 475 yards south of the Brooklyn Bridge 40°42′10″N/074°00′01″W (NAD 1983).
Massachusetts: 5.4	A night during Memorial Day Weekend.	Name: Hull Memorial Day Festival. Sponsor: Town of Hull. Time: 8:00 p.m. to 10:00 p.m. Location: Barge located 200 yards off Nantasket Beach, Hull, MA.
June		
New York: 6.1	The last two Tuesdays in June.	Name: Staten Island Summer. Sponsor: Borough of Staten Island. Time: 8:30 p.m. to 10:30 p.m. Location: New York Harbor, Lower Bay—approximately 350 yards east of South Beach, Staten Island. 40°35′11″N/074°03′42W (NAD 1983).
Maine: 6.2	A night during the last week in June.	Name: Windjammer Days Fireworks. Sponsor: Boothbay Harbor Chamber or Commerce. Time: 9:00 p.m. to 11:00 p.m. Location: Mcfarland Island, Boothbay Harbor, ME. 43°50′48″N/069°37′36″W (NAD 1983).
Connecticut:		

FIREWORKS DISPLAY TABLE—Continued

6.3	A night during the Last week in June.	Name: Barnum Festival Fireworks. Sponsor: The Barnum Foundation. Time: 8:00 p.m. to 10:00 p.m. Location: Seaside Park—Bridgeport Harbor, Bridgeport, CT. 43°11′30″N/072°00′30″W (NAD 1983).
Connecticut:		
6.4	A night during the Last week in June (or First week in July).	Name: American Legion Post 83 Fireworks. Sponsor: Town of Branford American Legion Post. Time: 9:00 p.m. to 10:00 p.m. Location: Branford Point, Branford, CT. 41°21′N/072°05′20″W (NAD 1983).
New York:		
6.5	Last Sunday in June	Name: Heritage of Pride. Sponsor: Heritage of Pride Inc. Time: 9:30 p.m. to 11:30 p.m. Location: Hudson River, Manhattan, NY. A barge approximately 400 years west of Pier 54. 40°44′31″N/074°01′00″W (NAD 1983).
Massachusetts:		
6.6	Thursday prior to July 4th	Name: Boston Harborfeast Fireworks. Sponsor: Harborfest Committee. Time: 9:30 p.m. to 10:30 p.m. Location: Just Off Coast Guard Base, Boston Harbor, MA 42°22′53″N/71°02′56″W (NAD 1983).
July		
New York:		
7.1	Each Tuesday in July	Name: Staten Island Summer. Sponsor: Borough of Staten Island. Time: 8:30 p.m. to 10:30 p.m. Location: New York Harbor, Lower Bay—approximately 350 yards east of South Beach, Staten Island. 40°35′11″N/074°03′42″W (NAD 1983).
Massachusetts:		
7.2	Thursday prior to July 4th	Name: Boston Harborfest Fireworks. Sponsor: Harborfest Committee. Time: 9:30 p.m. to 10:30 p.m. Location: Just Off Coast Guard Base, Boston Harbor, MA 42°22′53″N/71°02′56″W (NAD 1983).
Connecticut:		
7.3	A night during the First week in July (or Last week in June).	Name: American Legion Post 83 Fireworks. Sponsor: Town of Branford American Legion Post. Time: 9:00 p.m. to 10:00 p.m. Location: Branford Point, Branford, CT. 41°21′N/072°05′20″W (NAD 1983).
New York:		
7.4	A night during the First week in July.	Name: Devon Yacht Club Fireworks. Sponsor: Devon Yacht Club, Amagansett, NY. Time: 9:30 p.m. to 10:00 p.m. Location: Devon Yacht Club, Amagansett, NY. 40°00′00″N/072°06′12″W (NAD 1983).
New York:		
7.5	July 1st	Name: Wards Island. Sponsor: New York Power Authority. Time: 8:30 p.m. to 10:30 p.m. Location: East River, Wards Island, NY. A land shoot approximately 200 yards northeast of the Triboro Bridge. 40°46′55.5″N/073°55′33″W (NAD 1983).
New York:		
7.6	July 2nd, 3rd and 4th	Name: Playland Park. Sponsor: Playland Park. Time: 9 p.m. to 11 p.m. Location: Western Long Island Sound, a barge anchored in approximate position 40°57′47″N/073°40′06″W (NAD 1983), approximately 400 yards northeast of Rye Beach Breakwater.
Maine:		
7.7	A night during the First two weeks in July.	Name: Schooner Days Fireworks. Sponsor: Town of Rockland Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Rockland Harbor, Rockland, ME.
Connecticut:		
7.8	A night during the First two weeks in July.	Name: Stamford Fireworks. Sponsor: City of Stamford. Time: 8:00 p.m. to 10:00 p.m. Location: Westcott Cove, Stamford, CT. 41°02′01″N/73°30′3″W (NAD 1983).
New York:		

FIREWORKS DISPLAY TABLE—Continued

7.9	A night during the First two weeks in July.	Name: Town of Babylon Fireworks. Sponsor: Town of Babylon, NY. Time: 8:00 p.m. to 10:00 p.m. Location: Nezeras Island, Babylon, NY.
Massachusetts:		
7.10	Friday or Saturday prior to July 4th.	Name: Hingham 4th of July Fireworks. Sponsor: Town of Hingham, MA. Time: 8:00 p.m. to 10:00 p.m. Location: Hingham Harbor, Hingham, MA. 42°15′30″N/70°53′2″W (NAD 1983).
Massachusetts		
7.11	Friday or Saturday prior to July 4th.	Name: Weymouth 4th of July Fireworks. Sponsor: Town of Weymouth Harbormaster. Time: 8:30 p.m. to 10:45 p.m. Location: Weymouth Fore River, Weymouth, MA. 42°15′30″N/70°56′6″W (NAD 1983).
Vermont:		
7.12	July 3rd	Name: Burlington Fireworks Display. Sponsor: City of Burlington, VT. Time: 8:30 p.m. to 11:00 p.m. Location: Lake Champlain, Burlington Bay, VT. A barge beside the Burlington Bay Breakwater. 44°28′30.5″N/073°13′32″W (NAD 1983).
Massachusetts:		
7.13	July 3rd	Name: Gloucester Fireworks. Sponsor: Gloucester Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Gloucester Harbor, Stage Fort Park. Gloucester, MA.
Connecticut:		
7.14	July 3rd	Name: Summer Music Fireworks. Sponsor: Summer Music, Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Off of Harkness Park, Long Island Sound, Waterford, CT. 41°18′00″N/072°06′42″W.
New Jersey:		
7.15	July 3th	Name: Fireworks on the Navesink. Sponsor: Red Bank Fireworks Committee. Time: 8:30 p.m. to 10:30 p.m. Location: Navesink River, a barge approximately 360 yards northwest of Red Bank Reach, NJ. 40°21′20″N/074°04′10″W (NAD 1983).
New York:		
7.16	July 3th	Name: Salute to Veterans. Sponsor: Town of North Hempstead, NY Time: 9:00 p.m. to 10:00 p.m. Location: Hempstead, NY. Point Lookout 40°35′34″N/073°35′24″W (NAD 1983).
Maine:		
7.17	July 4th (Rain date: July 5th).	Name: Bangor Fireworks. Sponsor: Bangor 4th of July Corporation. Time: 9:30 p.m. to 10 p.m. Location: Bangor/Brewer waterfront, ME. 44°47′6″N/068°11′8″W (NAD 1983).
Maine:		
7.18	July 4th	Name: Bar Harbor Fireworks. Sponsor: Bar Harbor Chamber of Commerce. Time: 8:30 p.m. to 9:30 p.m. Location: Bar Habor/Bar Island, ME. 44°23′6″N/068°11′8″W (NAD 1983).
Maine:		
7.19	July 4th	Name: Stewart's 4th of July Fireworks Display. Sponsor: W.P. Stewart. Time: 9:00 p.m. to 9:30 p.m. Location: Somes Sound, Northeast Harbor, ME. 44°18′3″N/068°18′2″W (NAD 1983).
Maine:		
7.20	July 4th	Name: Walsh's Fireworks. Sponsor: Mr. Patrick Walsh. Time: 8:30 p.m. to 9:30 p.m. Location: Union River, Bay, ME. 44°23′5″N/068°27′2″W (NAD 1983).
Massachusetts:		
7.21	July 4th	Name: Town of Barnstable Fireworks. Sponsor: Town of Barnstable. Time: 8:00 p.m. to 10:00 p.m. Location: Dunbar Point/Kalmus Beach, Barnstable, MA. 41°38′30″N/070°16′W (NAD 1983).
Massachusetts:		

FIREWORKS DISPLAY TABLE—Continued

7.22	July 4th	Name: Beverly Farms Fireworks. Sponsor: Farms-Pride 4th of July Committee, Inc. Time: 8:00 p.m. to 10:00 p.m. Location: West Beach, Manchester Bay, Beverly Farms, MA. 42°33′51″N/070°48′29″W (NAD 1983).
Massachusetts:		
7.23	July 4th	Name: Edgartown Fireworks. Sponsor: Edgartown Firefighters Association. Time: 9:00 p.m. to 10:00 p.m. Location: Edgartown Harbor, Edgartown, MA. 41°23′25″N/070°29′45″W (NAD 1983).
Massachusetts:		
7.24	July 4th	Name: Falmouth Fireworks. Sponsor: Falmouth Fireworks Committee Time: 9:00 p.m. to 10:00 p.m. Location: Falmouth Harbor, .25 NM east of buoy #16, Falmouth, MA. 41° – 23′12″N/070°29′45″W (NAD 1983).
Massachusetts:		
7.25	July 4th	Name: Marion Fireworks. Sponsor: Town of Marion Harbormaster. Time: 8:00 p.m. to 10:00 p.m. Location: Silver Shell Beach, Marion, MA. 41°45′30″N/070°45′24″W (NAD 1983).
Massachusetts:		
7.26	July 4th	Name: City of New Bedford Fireworks. Sponsor: City of New Bedford. Time: 9:00 p.m. to 10:30 p.m. Location: New Bedford Harbor, New Bedford, MA. 41°41′N/070°40′W (NAD 1983).
Massachusetts:		
7.27	July 4th	Name: Onset Fireworks. Sponsor: Town of Wareham, MA. Time: 9 p.m. to 10 p.m. Location: Onset Harbor, Onset, MA. 41°38′N/071°55′W (NAD 1983).
Massachusetts:		
7.28	July 4th	Name: Plymouth Fireworks Display. Sponsor: July Four Plymouth Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Plymouth Harbor, Plymouth, MA. 41°57′20″N/070°38′20″W (NAD 1983).
Massachusetts:		
7.29	July 4th	Name: Lewis Bay Fireworks. Sponsor: Town of Yarmouth, MA. Time: 9:30 p.m. to 10:00 p.m. Location: Great Island, Lewis Bay. 41°38′30″N/071°17′06″W (NAD 1983).
Rhode Island:		
7.30	July 4th	Name: Bristol 4th of July Fireworks. Sponsor: Bristol 4th of July Committee. Time: 9:30 p.m. to 10:00 p.m. Location: Bristol Harbor, Bristol, RI. 41°39′54″N/071°20′18″W (NAD 1983).
Rhode Island:		
7.31	July 4th	Name: City of Newport Fireworks. Sponsor: City of Newport Time: 9:15 p.m. to 10:00 p.m Location: 41°28′48″N/071°20′18″W (NAD 1983).
Rhode Island:		
7.32	July 4th	Name: Oyster Harbor Club Fourth of July Festival. Sponsor: Oyster Harbor Club, Inc. Time: 6:00 p.m. to 10:00 p.m. Location: Tim's Cove, North Bay, Osterville, RI. 41°37′30″N/070°23′21″W (NAD 1983).
Rhode Island:		
7.33	July 4th	Name: Slade Farms Fireworks. Sponsor: Slade Farm, Somerset, RI. Time: 9:00 p.m. to 11:00 p.m. Location: 41°43′36″N/071°09′18″W (NAD 1983).
Connecticut:		
7.34	July 4th	Name: Fairfield Aerial Fireworks. Sponsor: Fairfield Park Commission. Time: 8:00 p.m. to 10:00 p.m. Location: Jennings Beach, Long Island Sound, Fairfield, CT. 41°08′22″N/073°14′02″W.
Connecticut:		
7.35	July 4th	Name: Subfest Fireworks. Sponsor: U.S. Naval Submarine Base. Time: 8:00 p.m. to 10:00 p.m. Location: Thames River, Groton, CT.

FIREWORKS DISPLAY TABLE—Continued

Connecticut: 7.36	July 4th	Name: Hartford Riverfest. Sponsor: July 4th Riverfest, Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Connecticut River, Hartford, CT.
Connecticut: 7.37	July 4th	Name: Middletown Fireworks. Sponsor: City of Middletown. Time: 8:00 p.m. to 10:00 p.m. Location: Connecticut River, Middletown Harbor, Middletown, CT. 41°33′79″N/073°38′83″W (NAD 1983)
Connecticut: 7.38	July 4th	Name: Norwich American Wharf Fireworks. Sponsor: American Wharf Marina. Time: 8:00 p.m. to 10:00 p.m. Location: Norwich Harbor, Norwich, CT.
Connecticut: 7.39	July 4th	Name: City of Norwalk Fireworks. Sponsor: Norwalk Recreation and Parks Department. Time: 9:15 p.m. to 10:15 p.m. Location: Calf Pastrue Beach, Long Island, Sound, Norwalk, CT. 41°04′50″N/073°23′22″W (NAD 1983).
Connecticut: 7.40	July 4th	Name: Old Lyme Fireworks. Sponsor: Mr. James R. Rice. Time: 8:00 p.m. to 10:00 p.m. Location: Sound View Beach, Long Island Sound, Old Lyme, CT.
Connecticut: 7.41	July 4th	Name: Stratford Fireworks. Sponsor: Town of Stratford. Time: 8:00 p.m. to 10:00 p.m. Location: Short Beach, Stratford, CT. 41°09′5″N/073°06′5″W (NAD 1983).
Connecticut: 7.42	July 4th	Name: Westport P.A.L. Fireworks. Sponsor: Westport Police Athletic League. Time: 8:00 p.m. to 10:00 p.m. Location: Compo Beach, Westport, CT. 41°06′6″N/073°20′31″W (NAD 1983).
New York: 7.43	July 4th	Name: Bayville Crescent Club Fireworks. Sponsor: Bayville Crescent Club, Bayville, NY. Time: 8:00 p.m. to 10:00 p.m. Location: Cooper Bluff, Cove Neck, NY.
New York: 7.44	July 4th	Name: Mantauk Independence Day. Sponsor: Montauk Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Montauk Town Beach, Montauk, NY.
New York: 7.45	July 4th	Name: Jones Beach State Park Fireworks. Sponsor: Long Island State Park Adminsitration Headquarters. Time: 9:00 p.m. to 10:15 p.m. Location: Fishing Pier, Jones Beach State Park, Wantagh, NY. 40°35′7″N/073°30′6″W (NAD 1983).
New York: 7.46	July 4th	Name: Dolan Family Fireworks. Sponsor: Mr. Charles F. Dolan. Time: 8:00 p.m. to 10:00 p.m. Location: Cove Point, Oyster Bay, NY.
New York: 7.47	July 4th	Name: City of Yonkers. Sponsor: City of Yonkers, NY. Time: 8:30 p.m. to 10:30 p.m. Location: Hudson River, a barge approximately 335 yards northwest of Yonkers Municipal Pier. 40°56′14″N/073°54′28″W (NAD 1983).
Massachusetts 7.48	July 4th	Name: Wellfleet Fireworks. Sponsor: Wellfleet Fireworks Committee. Time: 8:00 p.m. to 11:00 p.m. Location: Indian Neck Jetty, Wellfleet, MA. 41°55′24″N/070°02′06″W (NAD 1983).
Connecticut: 7.49	Weekend following July 4th	Name: Thames River Fireworks. Sponsor: Town of Groton. Time: 8:00 p.m. to 10:00 p.m. Location: Thames River, off Electric Boat, Groton, CT.

FIREWORKS DISPLAY TABLE—Continued

New York:		
7.50	A night during the Second or third weekend in July.	Name: Boys Harbor Fireworks Extravaganza. Sponsor: Boys Harbor Inc. Time: 9:00 p.m. to 10 p.m. Location: Three Mile Harbor, East Hampton, NY. 41°15′N / 070°11′91″W (NAD 1983).
Maine:		
7.51	Third Saturday in July	Name: Belfast Fireworks. Sponsor: Belfast Bay Festival Committee. Time: 8:00 p.m. to 10:00 p.m. Location: Belfast Bay, ME.
August		
New York:		
8.1	Each Tuesday in August	Name: Staten Island Summer. Sponsor: Borough of Staten Island. Time: 8:30 p.m. to 10:30 p.m. Location: New York Harbor, Lower Bay—approximately 350 yards east of South Beach, Staten Island. 40°35′11″N / 074°03′42″W (NAD 1983)
New York:		
8.2	First Tuesday in August	Name: National Night Out Against Crime. Sponsor: National Night Out Against Crime. Time: 8:30 p.m. to 10:30 p.m. Location: Atlantic Ocean, a barge approximately 335 yards off Rockaway Beach at 116th Street. 40°34′29″N / 073°50′00″W (NAD 1983).
Connecticut:		
8.3	A night during the First week of August.	Name: Summer Music Fireworks. Sponsor: Summer Music Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Niantic River, Harkness Park, Waterford, CT.
Massachusetts:		
8.4	A night during the First weekend in August.	Name: Fall River Celebrates America Fireworks. Sponsor: Fall River Chamber of Commerce. Time: 9:15 p.m. to 10:00 p.m. Location: Taunton River, vicinity of buoy #17, Fall River, MA 41°43′4″N / 071°09′48″W (NAD 1983).
New York:		
8.5	First Saturday in August	Name: Peekskill Summerfest. Sponsor: Charles Point Business Association. Time: 8:30 p.m. to 10:30 p.m. Location: Hudson River, Peekskill Bay, a barge approximately 500 yards northeast of Peekskill Bay South Channel Buoy 3 (LLNR) 37955). 41°17′16″N / 073°56′18″W (NAD 1983).
New York:		
8.6	First and second Saturday in August.	Name: City of Rensselaer. Sponsor: City of Rensselaer. Time: 9:00 p.m. to 11:00 p.m. Location: Hudson River, a barge approximately 500 yards south of the Dunn Memorial Bridge (river mile 145.4). 42°38′23″N / 073°45′00″W (NAD 1983).
Connecticut:		
8.7	A night during the First two weeks in August.	Name: Hartford Riverfront Regatta. Sponsor: Riverfront Recapture Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Connecticut River, Hartford, CT.
Connecticut:		
8.8	A night during the Third week in August.	Name: Summer Music Fireworks. Sponsor: Summer Music Inc. Time: 8:00 p.m. to 10:00 p.m. Location: Niantic River, Harkness Park, Waterford, CT.
Massachusetts:		
8.9	Last weekend in August	Name: Oaks Bluff Fireworks. Sponsor: Oaks Bluff Fireman's Civic Association. Time: 8:00 p.m. to 10:00 p.m. Location: Oaks Bluff Beach, Oaks Bluff, MA.
Connecticut:		
8.10	Last Sunday in August	Name: Norwich Harbor Day Fireworks. Sponsor: Harbor Day Committee. Time: 8:00 p.m. to 10:00 p.m. Location: Norwich Harbor, off American, Wharf Marina, Norwich, CT.
Massachusetts:		

FIREWORKS DISPLAY TABLE—Continued

8.11	A night during Labor day weekend.	Name: Gloucester Fireworks. Sponsor: Gloucester Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Gloucester Harbor, Stage Fort, Gloucester, MA.
Maine:		
8.12	A night during Labor day weekend.	Name: Camden Fireworks Display. Sponsor: Town of Camden Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Camden Harbor, Camden, ME.
September		
Massachusetts:		
9.1	A night during Labor day weekend.	Name: Gloucester Fireworks. Sponsor: Gloucester Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Gloucester Harbor, Stage Fort Park, Gloucester, MA.
Maine:		
9.2	A night during Labor day weekend.	Name: Camden Fireworks Display. Sponsor: Town of Camden Chamber of Commerce. Time: 8:00 p.m. to 10:00 p.m. Location: Camden Harbor, Camden, ME.
New York:		
9.3	Labor Day	Name: South Street Seaport Labor Day. Sponsor: South Street Seaport Marketplace. Time: 8:30 p.m. to 10:30 p.m. Location: East River, Manhattan, a barge approximately 475 yards south of the Brooklyn Bridge. 40°42′10″N/074°00′01″W (NAD 1983).
New York:		
9.4	First Saturday following Labor day.	Name: Grand Fiesta Italiana. Sponsor: Sons of Italy, Port Washington, NY. Time: 8:30 p.m. to 11:00 p.m. Location: Hempstead Harbor, a barge approximately 300 yards north of Bar Beach, Port Washington, Long Island. 40°49′52″N/073°39′10″W (NAD 1983).
Connecticut:		
9.5	A night during the weekend following Labor day.	Name: Taste of Italy. Sponsor: Italian Heritage Committee. Time: 8:00 p.m. to 10:00 p.m. Location: Norwich Harbor, off Norwich Marina, Norwich, CT. 41°31′20″N/073°04′83″W (NAD 1983).
Rhode Island:		
9.6	A night during the First weekend in September.	Name: Newport Salute to Summer. Sponsor: Naval Education and Training Center. Time: 8:30 p.m. to 10:00 p.m. Location: Narragansett Bay, East Passage, off Coasters Harbor Island, New port, RI. 41°25′N/071°20′W (NAD 1983).
Connecticut:		
9.7	First or second Saturday in September.	Name: Norwalk Oyster Festival Fireworks. Sponsor: Norwalk Seaport Association. Time: 8:00 p.m. to 10:00 p.m. Location: Norwalk Harbor, Norwalk, CT.
New York:		
9.8	A night during the last two weekends in September.	Name: Cow Harbor Day Fireworks. Sponsor: Village of Northport Harbor. Time: 8:00 p.m. to 10:00 p.m. Location: Sand Pit, Northport Harbor, Northport, NY.
October		
New York:		
10.1	First Sunday in October	Name: Deepavali Festival. Sponsor: Assocation of Indians in America. Time: 6:45 to 8:45 Location: East River, Manhattan, a barge approximately 200 yards east of Pier 16. 40°42′12.5″N/074°00′02″W (NAD 1983).
Massachusetts:		
10.2	A night during the Second weekend of October.	Name: Yarmouth Seaside Festival Fireworks. Sponsor: Yarmouth Seaside Festival. Time: 8:00 p.m. to 9:00 p.m. Location: Seagull Beach, W. Yarmouth, MA 41°38′06″N/070°13′13″W (NAD 1983).
December		
Massachusetts:		

FIREWORKS DISPLAY TABLE—Continued

12.1	December 31st	Name: First Night Fireworks. Sponsor: First Night Inc. Time: 11:45 p.m. to 12:30 a.m. Location: Center of Boston Inner Harbor, Boston, MA 42°21′42.4″N/071°02′36.5″W (NAD 1983).
Massachusetts:		
12.2	December 31st	Name: First Night Martha's Vineyard. Sponsor: Town of Martha's Vineyard Chamber of Commerce. Time: 10:00 p.m. to 12:30 a.m. Location: Vineyard Haven Harbor, Martha's Vineyard, MA 41°27′6″N/070°35′8″W (NAD 1983).
Massachusetts:		
12.3	December 31st	Name: City of New Bedford First Night. Sponsor: City of New Bedford. Time: 11:45 p.m. to 12:30 a.m. Location: New Bedford Harbor, New Bedford, MA 41°38′.2″N/070°55′0″W (NAD 1983).
Connecticut:		
12.4	December 31st	Name: First night Mystic. Sponsor: Mystic Community Center. Time: 11:45 p.m. to 12:30 a.m. Location: Mystic River, Mystic, CT.
New York:		
12.5	December 31st	Name: South Street Seaport New Year's Eve. Sponsor: South Street Seaport Marketplace. Time: 11:00 p.m. to 1:00 a.m. Location: East River, Manhattan, a barge approximately 475 yards south of the Brooklyn Bridge. 40°42′10″N/074°00′01″W (NAD 1983).
New York:		
12.6	December 31st	Name: First Night New York City Sponsor: Grand Central Partnership. Time: 11:00 p.m. to 1:00 a.m. Location: Hudson River, Manhattan, a barge approximately 450 yards southwest of the entrance to North Cove Yacht Harbor. 40°42′39″N/074°01′19″W (NAD 1983).
Rhode Island:		
12.7	December 31st	Name: Newport Fireworks. Sponsor: Newport Cultural Commission. Time: 11:00 p.m. to 1:00 a.m. Location: 41°28′48″N/071°20′18″W (NAD 1983).

(b) *Special local regulations.*

(1) No person or vessel may enter, transit, or remain within the regulated area during the effective period of regulation unless authorized by the Coast Guard patrol commander.

(2) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective dates.* This rule is in effect from one hour before the scheduled start of the event until thirty minutes after the last firework is exploded for each event listed in the Table. For those events listed without a specific time or date, an annual **Federal Register** document will be published indicating event dates and times.

Dated: June 18, 1999.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 99–16360 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–061]

RIN 2115–AA97

Safety Zone: Mashantucket Pequot Fireworks Display, Thames River, Groton, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Mashantucket Pequot Fireworks Display to be held on the Thames River, Groton, CT, on July 10, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective on July 10, 1999, from 8:55 p.m. until 10:10

p.m. In case of inclement weather, July 11, 1999 is the scheduled rain date for this event.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The Thames River Fireworks Committee, of Groton, CT, is sponsoring a 30 minute fireworks display in the Thames River, Groton, CT. The fireworks display will occur on July 10, 1999, from 9:25 p.m. until 9:55 p.m. The safety zone covers all waters of the Thames River within a 1200 foot radius of the fireworks launching barges which will be located off Groton, CT, in approximate positions; barge one, 41°–21′01.5″N, 072°–05′25″W, barge two, 41°–20′58″N, 072°–05′23″W and barge three, 41°–20′53.5″N, 072°–05′21″W (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Thames River and entry into this zone will be restricted for 75 minutes on July 10, 1999. Although this regulation prevents traffic from transiting this section of Thames River, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed under the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under Addresses.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This final rule will not effect a taking of private property or otherwise have taking of

private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub.L. 105–383.

2. Add temporary § 165.T01–CGD1–061 to read as follows:

§ 165.T01–CGD1–061; Mashantucket Peqout Fireworks Display, Thames River, Groton, CT.

(a) *Location.* The safety zone includes all waters of Thames River within a 1200 foot radius of the launch site located on the Thames River, Groton, CT. in approximate position 41°–21′01.5″N, 072°–05′25″W, 41°–20′58″N, 072°-05′23″W and 41°-20′53.5″N, 072°–05′21″W (NAD 1983).

(b) *Effective date.* This section is effective on July 10, 1999 from 8:55 p.m. until 10:10 p.m. In case of inclement weather, July 11, 1999, is the scheduled rain date for this event.

(c)(1) *Regulations.* The general regulations covering safety zones contained in section 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

P.K. Mitchell,

Captain, U.S. Coast Guard Captain of the Port, Long Island Sound.

[FR Doc. 99–16363 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–081]

RIN 2115–AA97

Safety Zone: Rowayton Fireworks Display, Bayley Beach, Rowayton, CT.

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Rowayton Fireworks Display to be held off of Bayley Beach, Rowayton, CT., in Long Island Sound on July 2, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective on July 2, 1999, from 9 p.m. until 10:30 p.m. In the event of inclement weather, the rain date will be July 9, 1999.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. the fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The Rowayton Civic Association is sponsoring a fireworks display off of Bayley Beach, Rowayton, CT. The fireworks display will occur on July 2, 1999, from 9:00 pm until 10:30 pm. The safety zone covers all waters of Long Island Sound within a 1000 foot radius of the fireworks launching barge which will be located 1000 feet off of Bayley Beach, Rowayton, CT, in approximate position; 41°–03.3′N, 073°–26.8′W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Long Island Sound and entry into this zone will be restricted for only 1 hour and 30 minutes on July 2, 1999. Although this regulation prevents traffic from transiting this section of Long Island Sound, the effect of this regulation will not be significant for several reasons; the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses

that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed under the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 USC 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under Addresses.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This final rule will not effect a taking of private property or otherwise have taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–CGD1–081 to read as follows:

§ 165.T01–CGD1–081 Rowayton Fireworks Display, Bayley Beach, Rowayton, CT.

(a) *Location.* The safety zone includes all waters of Long Island Sound within a 1,000 foot radius of the launch barge located off of Bayley Beach, Rowayton, CT, in approximate position 41°03.3′N, 073°26.8′W (NAD 1983).

(b) *Effective date.* This section is effective on July 2, 1999 from 9:00 p.m. until 10:30 p.m. In case of inclement weather, the rain date will be 9 July, 1999.

(c)(1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–16365 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–074]

RIN 2115–AA97

Safety Zone: Saybrook Summer Pops Concert, Saybrook Point, Connecticut River, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Saybrook Summer Pops Concert fireworks display to be held at Saybrook Point, on the Connecticut River on August 8, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks dispaly. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on August 8, 1999, from 9 p.m. until 10:10 p.m.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120

Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The Old Saybrook Chamber of Commerce, of Old Saybrook, CT is sponsoring a fireworks display after the Saybrook Summer Pops concert. The fireworks will be shot from Saybrook Point on the Connecticut River, Old Saybrook, CT. The fireworks display will occur on August 8, 1999, following the concern from 9 pm until 10:10 pm. The safety zone covers all waters of the Connecticut River within a 400-foot radius of the fireworks launching area which will be located north of the dock on Saybrook Point, Connecticut River, CT, in approximate position 41°17′35″ N. 072°21′20″ W. (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of the Connecticut River and entry into this zone will be restricted for only 1 hour and 10 minutes on August 8, 1999. Although this regulation prevents traffic from transiting this section of the Connecticut River, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 US.C. 601 *et seq.*), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed under the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights. This final rule will not effect a taking of private property or otherwise have taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(e) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children From Environmental Health Risks and

Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46, Section 165.100 is also issued under authority of sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–CGD1–074 to read as follows:

§ 165.T01–CGD1–074 Saybrook Summer Pops Concert, Saybrook Point, Connecticut River, Old Saybrook, CT

(a) *Location.* The safety zone includes all waters of the Connecticut River within a 400 foot radius of the launch site located in Saybrook Point, Old Saybrook, CR, in approximate position 41°17′35″N, 072°21′20″W. (NAD 1983).

(b) *Effective date.* This section is effective on August 8, 1999 from 9 p.m. until 10:10 p.m.

(c) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port of the designated on-scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

P. K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–16366 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–072]

RIN 2115–AA97

Safety Zone: Sag Harbor Fireworks Display, Sag Harbor Bay, Sag Harbor, NY.

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Sag Harbor Fireworks Display to be held outside the breakwater in Sag Harbor Bay, Sag Harbor, NY, on July 2, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective on July 2, 1999 and on July 3, 1999 from 9 p.m. until 10:20 p.m. For rain dates, refer to the regulatory text set out in this rule.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T. J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The Say Harbor Yacht Club, of Sag Harbor, NY. is sponsoring a 35 minute fireworks display in Sag Harbor, Sag Harbor, NY. The fireworks display will occur on July 2, 1999, from 9 pm until 10:20 pm. The safety zone covers all waters of Sag Harbor Bay within a 1,200 foot radius of the fireworks launching barge which will be located outside the breakwater in Sag Harbor Bay, Sag Harbor, NY, in approximate position; 41°–00′51.2″ N, 072°–17′57.8″ W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted form review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Sag Harbor Bay and entry into this zone will be restricted for only 1 hour and 20 minutes on July 2, 1999. Although this regulation prevents traffic from transiting this section of Sag Harbor Bay, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexiblitiy Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number of small entities. ''Small entities'' include independtly owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed under the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C.

601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to received comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247)

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This final rule will not effect a taking of private property or otherwise have taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 604–1, 6.04–6 and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–CGD1–072 to read as follows:

§ 165.T01–CGD1–072; Sag Harbor Fireworks Display, Sag Harbor Bay, Sag Harbor, NY.

(a) *Location.* The safety zone includes all waters of Sag Harbor within a 1200 foot radius of the launch site located in Sag Harbor Bay, Sag Harbor, NY in approximate position 41°–00′51.2″N, 072°–17′57.8″W (NAD 1983).

(b) *Effective date.* This section is effective on July 2, 1999 from 9:00 p.m. until 10:20 p.m. In case of inclement weather, this section is effective July 3, 1999 at the same time and place.

(c)(1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

P. K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–16361 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME61–7010c; A–1–FRL–6366–9]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of Fuel Control Program Under Section 211(c)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; withdrawal.

SUMMARY: On May 14, 1999, EPA published a direct final rule (64 FR 26306) approving, and an accompanying proposed rule (64 FR 26352) proposing to approve, a State Implementation Plan (SIP) revision submitted by the State of Maine on March 10, 1999. This revision establishes and requires that all gasoline sold in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties meet certain summertime volatility limits, as measured by the Reid Vapor Pressure (RVP). We are withdrawing this final rule due to adverse comment received from the Oxygenated Fuels Association. In a subsequent final rule, we will summarize and respond to any comments received and take final rulemaking action on this requested Maine SIP revision.

DATES: As of June 28, 1999, we withdraw the direct final rulemaking published on May 14, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosytem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

List of Subjects on 40 CFR Part 52

Environmental Protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen Dioxide, Ozone, Reporting and recordkeeping requirements

Dated: June 16, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–16237 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210–147a; FRL–6362–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). This action revises the definitions in Bay Area Air Quality Management District (BAAQMD) Regulation 1; Monterey Bay Unified Air Pollution Control (MBUAPCD) Rule 101; Placer County Air Pollution Control District (PCAPCD) Rule 102; and Ventura County Air Pollution Control District (VCAPCD) Rule 2. The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency and to update the Exempt Compound list in MBUAPCD, PCAPCD, and VCAPCD rules to be consistent with the revised federal and state VOC definitions.

DATES: This rule is effective on August 27, 1999 without further notice, unless EPA receives adverse comments by July 28, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109–7714

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Ct., Monterey, CA 93940–6536

Placer County Air Pollution Control District, DeWitt Center, 11464 ''B'' Ave., Auburn, CA 95603–2603

Ventura County Air Pollution Control District, 669 County Square Dr., 2nd Fl., Ventura, CA 93003–5417

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: BAAQMD Regulation 1, General Provisions and Definitions; MBUAPCD Rule 101, Definitions; PCAPCD Rule 102, Definitions, and VCAPCD 2, Definitions. These rules were submitted by the California Air Resources Board to EPA on February 16, 1999 (Bay Area and Ventura); January 12, 1999 (Monterey); and May 18, 1998 (Placer).

II. Background

On March 3, 1978, EPA promulgated a list of nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included BAAQMD, MBUAPCD, PCAPCD, and VCAPCD. 43 FR 8964, 49 CFR 81.305. In response to Section 110(a) of the Act and other requirements, the BAAQMD, MBUAPCD, PCAPCD, and VCAPCD submitted many rules which EPA approved into the SIP.

On February 7, 1996 (61 FR 4588) EPA published a final rule excluding perchloroethylene from the definition of VOC. On October 8, 1996 (61 FR 52848) EPA published a final rule excluding HFC 43–10mee and HCFC–225ca and cb from the definition of VOC. On August 25, 1997 (62 FR 44900) EPA published a final rule excluding HFC–32, HFC–161, HFC–236ea and fa, HFC–245ca, ea, eb, and fa, HFC–365mfc, HCFC–31, HCFC–123a, HCFC–151a, $C_4F_9OCH_3$, $CF_{32}CFCF_2OCH_3$, $C_4F_9OC_2H_5$, $CF_{32}CFCF_2OC_2H_5$. On April 9, 1998 (63 FR 17331) EPA published a final rule excluding methyl acetate from the definition of VOC. These compounds were determined to have negligible photochemical reactivity and thus, were added to the Agency's list of Exempt Compounds.

This document addresses EPA's direct-final action for BAAQMD Regulation 1, General Provisions and Definitions; MBUAPCD Rule 101, Definitions; PCAPCD Rule 102, Definitions; and VCAPCD Rule 2, Definitions. These rules were adopted by BAAQMD on October 7, 1998; by MBUAPCD on November 12, 1998; by PCAPCD on June 19, 1997; and by VCAPCD on November 10, 1998. These rules were submitted by the California Air Resources Board to EPA on February 16, 1999 (Bay Area and Ventura); January 12, 1999 (Monterey); and May 18, 1998 (Placer). These submitted rules were found to be complete on May,1999 (Bay Area and Ventura); March 19, 1999 (Monterey); July 17, 1998 (Placer), pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [1] and is being finalized for approval into the SIP.

The following are EPA's summary and final action for these rules.

III. EPA Evaluation and Action

In determining the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[2]

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[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed

This action is necessary to make the VOC definition in the MBUAPCD, PCAPCD, and VCAPCD rules consistent with federal and state definitions of VOC. This action will result in more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist States in avoiding exceedences of the ozone health standard by focusing control efforts on compounds which are actual ozone precursors.

BAAQMD Regulation 1, General Provisions and Definitions, has been amended to add and/or revise the following definitions: 1–234, Organic Compound, Non-Precursor; 1–238, Parametric Monitor; 1–239, Continuous Emission Monitor; 1–522, Continuous Emission Monitoring and Recordingkeeping; and 1–523, Parametric Monitoring and Recordkeeping Procedures.

MBUAPCD Rule 101, Definitions, is being amended to update the definition of ''Exempt Compounds.'' In addition, this amendment adds and/or revises the following definitions: Effective Dates; Household Rubbish; Permissive Burn Day, and Multiple-Chamber Incinerator.

PCAPCD Rule 102, Definitions, is being amended to update the definition of ''Exempt Compounds.'' The entire Rule 102 is reformatted for clarity and consistency. In addition, this amendment revises the definition of ''Air Pollution Control Officer.''

VCAPCD Rule 2, Definitions, is being amended to update the definition of ''Exempt Compounds'' to include 21 compounds.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, BAAQMD Regulation 1, General Provisions and Definitions; MBUAPCD Rule 101, Definitions; PCAPCD Rule 102, Definitions; and VCAPCD Rule 2, Definitions, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA is publishing this rule without prior proposal because the Agency views these as noncontroversial amendments 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 August 27, 1999 without further notice unless the Agency receives adverse comments by July 28, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** 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 on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 27, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

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

B. 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 E.O. 12875 do not apply to this rule.

C. 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 E.O. 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 E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. 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 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

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post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Document'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

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).

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 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 August 27, 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 21, 1999.

Laura K. Yoshii,

Acting Regional Administrator, Region IX.

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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(255)(i)(E), (261) and (262) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(255) * * *

(i) * * *

(E) Placer County Air Pollution Control District.

(*1*) Rule 102, adopted June 19, 1997.

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(261) New and amended regulations for the following APCDs were submitted on January 12, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) Monterey Bay Unified Air Pollution Control District.

(*1*) Rule 101, adopted November 12, 1998.

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(262) New and amended regulations for the following APCDs were submitted on February 16, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) Bay Area Air Quality Management District.

(*1*) Regulation 1, adopted on October 7, 1998.

(B) Ventura County Air Pollution Control District.

(*1*) Rule 2, adopted November 10, 1998.

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[FR Doc. 99–16229 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6366–8]

Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Pima County Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to delegate the authority to implement and enforce specific national emission standards for hazardous air pollutants (NESHAPs) to the Pima County Department of Environmental Quality (PDEQ) in Arizona. The preamble outlines the process that PDEQ will use to receive delegation of any future NESHAP, and identifies the

NESHAP categories to be delegated by today's action. EPA has reviewed PDEQ's request for delegation and has found that this request satisfies all of the requirements necessary to qualify for approval. Thus, EPA is hereby granting PDEQ the authority to implement and enforce the unchanged NESHAP categories listed in this rule.

DATES: This rule is effective on August 27, 1999 without further notice, unless EPA receives adverse comments by July 28, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the request for delegation and other supporting documentation are available for public inspection (docket number A–96–25) at the following location: U.S. Environmental Protection Agency, Region IX, Rulemaking Office (AIR–4), Air Division, 75 Hawthorne Street, San Francisco, California 94105–3901.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901, (415) 744–1200.

SUPPLEMENTARY INFORMATION:

I. Background

Section 112(l) of the Clean Air Act, as amended in 1990 (CAA), authorizes EPA to delegate to state or local air pollution control agencies the authority to implement and enforce the standards set out in 40 CFR part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories. On November 26, 1993, EPA promulgated regulations, codified at 40 CFR part 63, subpart E (hereinafter referred to as ''subpart E''), establishing procedures for EPA's approval of state rules or programs under section 112(l) (*see* 58 FR 62262).

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR part 63, subpart E. To streamline the approval process for future applications, a state or local agency may submit a one-time demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. If such demonstration is approved, then the state or local agency would no longer need to resubmit a demonstration of these same authorities and resources for every subsequent request for delegation of CAA section 112 standards. However, EPA maintains the authority to withdraw its approval if the State does not adequately implement or enforce an approved rule or program.

On October 30, 1996, EPA approved the Pima County Department of Environmental Quality (PDEQ's) program for accepting delegation of section 112 standards that are unchanged from Federal standards as promulgated (*see* 61 FR 55910). Additional revisions to that program were approved on September 23, 1998 (*see* 63 FR 50769). The approved program reflects an adequate demonstration by PDEQ of general resources and authorities to implement and enforce section 112 standards. However, formal delegation for an individual standard does not occur until PDEQ obtains the necessary regulatory authority to implement and enforce that particular standard, and EPA approves PDEQ's formal delegation request for that standard.

PDEQ informed EPA that it intends to obtain the regulatory authority necessary to accept delegation of section 112 standards by incorporating section 112 standards into the Pima County Code. The details of this delegation mechanism are set forth in a Memorandum of Agreement (MOA) between PDEQ and EPA, and are available for public inspection at the U.S. EPA Region IX office (docket No. A–96–25).

On May 12, 1999, PDEQ requested delegation for several individual section 112 standards that have been incorporated by reference into the Pima County Code. The standards that are being delegated by today's action are listed in a table at the end of this rule.

II. EPA Action

A. Delegation for Specific Standards

After reviewing PDEQ's request for delegation of various national emissions standards for hazardous air pollutants (NESHAPs), EPA has determined that this request meets all the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91. Accordingly, PDEQ is granted the authority to implement and enforce the requested NESHAPs. These delegations will be effective on August 27, 1999. A table of the NESHAP categories that will be delegated to PDEQ is shown at the end of this rule. Although PDEQ will have primary implementation and enforcement responsibility, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112. In addition, EPA does not delegate any authorities that require implementation through rulemaking in the **Federal Register**, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112.

After a state or local agency has been delegated the authority to implement and enforce a NESHAP, the delegated agency becomes the primary point of contact with respect to that NESHAP. Pursuant to 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii), EPA Region IX waives the requirement that notifications and reports for delegated standards be submitted to EPA as well as to PDEQ.

In its May 12, 1999 request, PDEQ included a request for delegation of the regulations implementing CAA section 112(i)(5), codified at 40 CFR part 63, subpart D. These requirements apply to state or local agencies that have a permit program approved under title V of the Act (*see* 40 CFR 63.70). PDEQ received final interim approval of its title V operating permits program on October 30, 1996 (see 61 FR 55910). State or local agencies implementing the requirements under subpart D do not need approval under section 112(l). Therefore, EPA is not taking action to delegate 40 CFR part 63, subpart D to PDEQ.

PDEQ also included a request for delegation of the regulations implementing CAA sections 112(g) and 112(j), codified at 40 CFR part 63, subpart B. These requirements apply to major sources only, and need not be delegated under the section 112(l) approval process. When promulgating the regulations implementing section 112(g), EPA stated its view that ''the Act directly confers on the permitting authority the obligation to implement section 112(g) and to adopt a program which conforms to the requirements of this rule. Therefore, the permitting authority need not apply for approval under section 112(l) in order to use its own program to implement section 112(g)'' (see 61 FR 68397). Similarly, when promulgating the regulations implementing section 112(j), EPA stated its belief that ''section 112(l) approvals do not have a great deal of overlap with the section 112(j) provision, because section 112(j) is designed to use the title V permit process as the primary vehicle for establishing requirements'' (see 59 FR 26447). Therefore, state or local agencies implementing the requirements under sections 112(g) and 112(j) do not need approval under section 112(l). As a result, EPA is not taking action to delegate 40 CFR part 63, subpart B to PDEQ.

B. Delegation Mechanism for Future Standards

Today's document serves to notify the public of the details of PDEQ's procedure for receiving delegation of future NESHAPs. As set forth in the MOA, PDEQ intends to incorporate by reference, into the Pima County Code, each newly promulgated NESHAP for which it intends to seek delegation. PDEQ will then submit a letter to EPA Region IX, along with proof of regulatory authority, requesting delegation for each individual NESHAP. Region IX will respond in writing that delegation is either granted or denied. If a request is approved, the delegation of authorities will be considered effective upon the date of the response letter from Region IX. Periodically, EPA will publish in the **Federal Register** a listing of the standards that have been delegated. Although EPA reserves its right, pursuant to 40 CFR 63.96, to review the appropriateness of any future delegation request, EPA will not institute any additional comment periods on these future delegation actions. Any parties interested in commenting on this procedure for delegating future unchanged NESHAPs should do so at this time.

C. Opportunity for Public Comment

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action 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 for this action should adverse comments be filed. This rule will be effective August 27, 1999 without further notice unless the Agency receives adverse comments by July 28, 1999.

If EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** 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. EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 27, 1999 and no further action will be taken on the proposed rule.

III. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 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, E.O. 12875 requires EPA to 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, 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. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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 E.O. 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 E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 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, E.O. 13084 requires EPA to provide to 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, E.O. 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 E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act 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 delegations of authority to implement and enforce unchanged Federal standards under section 112(l) of the Clean Air Act do not create any new requirements but simply transfer primary implementation authorities to the state or local agency. Therefore, because this action does not impose any new requirements, I certify that this action will not have a significant impact on a substantial number of small entities.

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 delegation 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 Federal 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 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 August 27, 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 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: June 10, 1999.

David P. Howekamp,

Director, Air Division, Region IX.

Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for Part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by revising paragraph (a)(3) to read as follows:

§ 63.99 Delegated Federal Authorities

(a) * * *

(3) *Arizona.* The following table lists the specific part 63 standards that have been delegated unchanged to the air pollution control agencies in the State of Arizona. The (X) symbol is used to indicate each category that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—ARIZONA

Subpart	Description	ADEQ [1]	MCESD [2]	PDEQ [3]	PCAQCD [4]
A	General Provisions	X		X	X
F	Synthetic Organic Chemical Manufacturing Industry	X		X	X
G	Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	X		X	X
H	Organic Hazardous Air Pollutants: Equipment Leaks	X		X	X
I	Organic Hazardous Air Pollutants: Certain Processes Subject to the Negotiated Regulation for Equipment.	X		X	X
L	Coke Oven Batteries	X		X	X
M	Perchloroethylene Dry Cleaning	X		X	X
N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.	X		X	X
O	Ethylene Oxide Sterilization Facilities	X		X	X
Q	Industrial Process Cooling Towers	X		X	X
R	Gasoline Distribution Facilities	X		X	X
T	Halogenated Solvent Cleaning	X		X	X
U	Group I Polymers and Resins	X		X	X
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X		X	X
X	Secondary Lead Smelting	X		X	X
CC	Petroleum Refineries	X		X	X
DD	Off-Site Waste and Recovery Operations	X		X	X
EE	Magnetic Tape Manufacturing Operations	X		X	X
GG	Aerospace Manufacturing and Rework Facilities	X		X	X
JJ	Wood Furniture Manufacturing Operations	X		X	X
KK	Printing and Publishing Industry	X		X	X
OO	Tanks—Level 1	X			X
PP	Containers	X			X
QQ	Surface Impoundments	X			X
RR	Individual Drain Systems	X			X
VV	Oil-Water Separators and Organic-Water Separators	X			X
JJJ	Group IV Polymers and Resins	X			X

[1] Arizona Department of Environmental Quality.
[2] Maricopa County Environmental Services Department.
[3] Pima County Department of Environmental Quality.
[4] Pinal County Air Quality Control District.

* * * * *

[FR Doc. 99–16231 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 94–102; FCC 99–96]

Compatibility of Wireless Services With Enhanced 911

AGENCY: Federal Communications Commission.

ACTION: Final rule

SUMMARY: This document creates rules that will improve the ability of cellular phone users to complete wireless 911 calls. The action is taken to improve the security and safety of analog cellular users, especially in rural and suburban areas. The primary goal of this action is to ensure that reliable, effective 911 and E911 service is available to wireless users by approving three mechanisms any of which will result in more wireless 911 calls being completed than occurs today. This document contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for an emergency review under PRA. The general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

DATES: Effective July 28, 1999. This document contains new information collections subject to the Paperwork Reduction Act of 1995 (PRA), which are pending OMB approval. A notice will be placed in the **Federal Register** when OMB approval for these information collections is received. Written comments by the public and by other Government agencies on the information collections are due August 27, 1999.

ADDRESSES: Comments on the information collections should be submitted to Les Smith, Federal Communications Commission, Room 1A–804, 445 12th Street, S.W., Washington DC 20554, or via the Internet at lesmith@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, S.W., Washington, DC 20503, or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Won Kim or Dan Grosh, Policy Division, Wireless Telecommunications Bureau, at (202) 428–1310. For additional information concerning the information collection aspects contained in the document, contact Les Smith, Federal Communications Commission, Room 1A–804, 445 12th Street, S.W., Washington DC 20554, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Second Report and Order (Second R&O) in CC Docket NO. 94–102, FCC 99–96, adopted May 13, 1999, and released June 9, 1999. The complete text of this Second R&O is available for the inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, D.C. 20054, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857–3800. CY-B400, 445 12th Street, S.W., Washington, D.C. 20054.

Synopsis of the Second Report and Order

1. In this Second R&O, the Commission approves three approaches to facilitate the completion of more wireless 911 calls. The Commission believes that the action taken in the Second R&O will have a significant positive impact on the security and safety of analog cellular subscribers, especially in rural and suburban areas, and result in the successful completion of significantly more wireless calls to 911 than occurs today. Thus the Commission is responding to a public need for confidence that wireless calls to 911 will in fact go through.

2. Specifically, the Second R&O requires that analog cellular phones include a separate capability for processing 911 calls that permits those calls to be handled, where necessary, by either cellular carrier in the area. This separate capability is intended to improve 911 reliability, increase the probability that 911 calls will be efficiently and successfully transmitted to public safety agencies, and help ensure that wireless service will be maintained for the duration of the 911 calls. The rule applies to new handsets manufactured more than nine months after the adoption date of the Second R&O. The Second R&O also sets out guidelines for 911 call completion methods that satisfy the Commission's rule, approving three methods that have been proposed in this proceeding, (1) Automatic A/B Roaming-Intelligent Retry (IR), (2) Adequate/Strongest Signal, and (3) Selective Retry.

3. While the actions taken in the Second R&O should represent an important improvement in completing 911 calls, especially in areas where cellular coverage is less complete, it is also important to recognize the problems and limits that remain in completing 911 calls. The full text of the Second R&O thus addresses the comparative advantages and disadvantages of the three approved methods and notes that the present limits of technology deprive the Commission of the opportunity to craft perfect solutions. Each of the approved methods, while improving the current situation regarding 911 call completion, is subject to some disadvantages in certain situations. Moreover, the new rule only applies to new analog cellular handsets, not to existing handsets or to digital services such as Personal Communications Service (PCS) or Enhanced Specialized Radio (ESMR).

4. The origin of the Second R&O may be found in the Second Notice of Proposed Rulemaking (Second NPRM) in this proceeding (61 FR 40374, August 2, 1996) which sought ways to enable mobile users to complete 911 calls without regard to the availability of the system or technology used by their wireless service in the area in which they seek to place the call. The Second NPRM sought comment on one proposal in this area and also sought comment on any other ways to enable wireless telephone users to complete 911 calls wherever a mobile system providing 911 service is present.

5. One reason access to emergency 911 systems is not always available for wireless handsets is that there are gaps in the signal coverage provided by wireless carriers. A wireless telephone user who happens to be located in a coverage gap or ''blank spot'' where his or her carrier's signal is inadequate may find that it is not possible to establish and maintain adequate communications over the wireless system accessed by the handset. Moreover, if the preferred carrier provides a weak or inadequate signal in response to analog cellular 911 calls, the handset may nonetheless lock onto that carrier even if sustained voice communications between the handset and the preferred carrier's system is not possible.

6. One option for improving 911 call completion is to initially program handsets to a calling mode termed A over B, B over A (A/B, B/A) default

approach. The A/B, B/A approach would switch all analog cellular calls—including 911 calls—to the customer's preferred carrier if a usable channel is available. If a channel is not available, the handset would automatically switch to a usable channel on the other cellular carrier's system. As an initial measure to improve accessibility to all services by wireless users, the Commission supports this A/B, B/A default setting as a voluntary industry practice. Setting the default in this way does, however, permit the handset to place calls with non-preferred carriers, and in the case of ordinary calls, this could result in unexpected and unwanted roaming charges. The industry program to educate users should inform customers of the possibility of a roaming charge so that they can decide whether to make such calls. This program might include information in the handset manuals and in materials provided to the customer at the time of activation that will help users understand the operation of the handset and the charges that will apply, including possible roaming charges. Customers will have the option of setting a different default if they prefer.

7. While useful, the A/B, B/A default approach, standing alone, is of limited value because all calls, including regular calls, will be switched to the other carrier. Non-emergency calls make up the vast majority of calls, so consumers will face substantial incentives to reprogram their handsets back to A only, B only, or some other mode that best meets their needs for non-emergency calls. To the extent that they do so, the benefits of the A/B approach 911 calls will vanish. This operational mode is also subject to lock-in problems. These limitations could reduce the availability of the A/B, B/A mode substantially.

8. The Second R&O, in order to address some of these problems, concludes that 911 call completion for cellular phones operating in the analog mode should be further enhanced by requiring that handset include separate programming for 911 calls. By providing cellular phone users with a program for 911 calls separate from that used for their other calls, the Commission will equip each user with an operational mode, or possibly a choice of modes, that will best enhance 911 calls. This will enable users to select both the calling mode that is likely to be most reliable and effective for them in emergencies and a different mode, if they prefer, for ordinary calls.

9. Three 911-only call processing modes have been proposed in this proceeding. Two of these, Automatic A/B Roaming—IR and Adequate/Strongest Signal, are based on earlier proposals, but have been modified significantly to address concerns raised in the record. Selective Retry was proposed as another method to address such concerns. Although the Commission recognizes that each approach has certain limitations that are pertinent to our objective of maximizing 911 call completions, it also believes that each of three proposals represents a substantial improvement toward meeting this objective. The Commission has also concluded, moreover, that each approach offers benefits under certain circumstances, as compared to the *status quo*, and may also suit different user preferences. Finally, the Commission believes that each of the three call processing modes may also provide a foundation for future improvements in 911 call Completion, reflecting actual operating experience, innovation, or adaptation to technologies other than analog cellular.

10. The Commission, based on analysis of the record, believes that any reasonable analog cellular 911 call processing mode should satisfy certain basic principles. First, the most basic goal is to improve the 911 call completion rate so far as practicable, including in circumstances where the caller's preferred carrier is unable to complete a call that can be completed by another carrier. Second, it is often desirable to complete 911 calls, where possible, via the preferred cellular carrier. This routing minimizes delay in setting up the call and encourages competition among carriers in the most effective provision of 911 service, including E911 features.

11. Third, a 911 call processing mode should not disrupt overall operation of 911 service, including the networks of both wireless carriers and public safety organization. Fourth, the 911 call processing mode should address the lock-in problem in a reasonable and effective way that substantially reduces or eliminates the likelihood that a 911 call might be locked in on the system of a cellular carrier that is unable to provide a usable voice communications channel. And, fifth, the benefits of the calling mode to public safety should outweigh any additional costs. These principles represent general criteria for evaluating 911 call processing modes. In this Second R&O, the Commission applies them to evaluate the three 911-only modes that have been presented in the record. In doing so, the Commission notes that it is not our intent to limit the development and improvement of 911 call completion modes, so long as they meet the criteria established. The Commission wishes to encourage the development of new and improved methods of making wireless technology enhance public safety.

12. The first approved method for 911-only call processing is Automatic A/B Roaming-IR. With this mode, when a consumer dials 911 the handset would seek to complete the call with the consumer's preferred carrier, if possible. If the handset fails to receive a signal, the handset would attempt to complete the call to the non-preferred carrier and would continue to rescan and reattempt the call until it is completed, the user terminates the call, or the handset loses power. The Commission believes that, in most respects, it should improve 911 call completion and satisfy the criteria as detailed in the Second R&O.

13. The Second R&O does, however, express concerns regarding Automatic A/B Roaming-IR. One significant disadvantage involves the length of set-up times. For most 911 calls, which would be completed via the preferred carrier, the call set-up time should be no longer than for any other call. However, the IR approach could lengthen set-up for calls not completed via the preferred carrier, in some cases by many seconds. The Commission is concerned that long delays in set-up time may induce callers in an emergency situation to sign off before the process has had adequate time to run, even if the call could have been completed with the non-preferred carrier. Because the same call completion algorithm would be implemented for each new call attempt, callers might be repeatedly frustrated if they mistakenly interpreted the long set-up time as an indication that the call had failed. Even if the caller persevered, any lengthy delay in completing emergency calls would also delay the dispatch of help.

14. Based on the record, the Second R&O requires that Automatic A/B Roaming-IR meet two conditions to address delays in set-up times. First, the handset must provide effective feedback to inform the user when 911 call processing is underway and has not finished. This could take the form of an audible tone or message in addition to a visual status report on the handset's screen. Second, the IR algorithm should be such that, in any case, the handset would not spend more than a reasonable amount of time seeking to complete the call with the preferred carrier before reattempting the call with the other cellular carrier. The Second R&O, to minimize the possibility that delays in processing 911 calls will lead callers to terminate 911 calls that eventually would have been completed, placed a time limit of 17 seconds from the time the call is sent for the handset to either

complete the call to the preferred carrier or seek to complete the call to the non-preferred carrier. The feedback information should reassure callers that they should continue waiting for this amount of time, so that abandonment of 911 calls that could have been completed should very infrequent or nonexistent. Handset manufacturers may elect to set an even briefer period to further minimize 911 call set-up delays.

15. The Second R&O notes that Automatic A/B Roaming-IR is currently under review by an industry standards body, Telecommunications Industry Association (TIA). The Second R&O asks that TIA, as part of this review, consider whether and to what extent the 17 second time limit might be further reduced in order to further minimize call set-up delays and lock-in. The Commission also encourages wireless carriers and mobile phone manufacturers to be active in addressing this request so that future revisions to industry cellular standards and generations of mobile phones provide for further reductions in call set-up delays for 911 calls where feasible. The Commission looks forward to receiving the results of TIA's review and will continue monitoring TIA's progress with respect to these issues. In the meantime, the Second R&O finds that Automatic A/B Roaming-IR, as conditioned in the Second R&O meets the Commission's basic objectives and will serve to improve the *status quo* regarding 911 call completion, and thus improves this method as one means of complying with the Commission's 911 call completion rules.

16. The second approved approach is the Adequate/Strongest signal. The initial proposal provided that the handset would scan for all available lines and select the carrier with the strongest control channel signal. Further, strongest signal capability would be required for all new analog cellular phones and would be enabled as the default setting, but could easily be disabled by consumers choosing to do so. In response to the initial proposal, the public safety community and the wireless industry raised concerns that strongest signal would have unintended and adverse consequences. In response to these concerns, a revised Adequate/Strongest Signal proposal was submitted stating that analog 911 calls would be routed to the preferred carrier if that carrier provides an ''adequate'' channel of communication as measured in the handset by its forward control channel signal strength. The Second R&O adopts a definition of adequate control channel signal as one with a strength of at least -85 dBm. If the preferred carrier does not have an adequate signal, then the call would be routed to whichever analog carrier had the strongest forwarding control channel signal.

17. The Second R&O recognizes that Adequate/Strongest Signal is not a perfect or ultimate solution to 911 call completion problems,[1] but finds that overall, it will substantially improve 911 call completion and otherwise satisfies the Commission's criteria for an acceptable 911 call completion mode. In particular, the Second R&O concludes that Adequate/Strongest Signal is likely to improve 911 call completion in rural and suburban areas for portable phones. Accordingly, the Second R&O approves its use by handset manufacturers as one method of complying with the Commission's Rules.

18. The final approach approved by the Second R&O is Selective Retry, which employs a separate 911 button on the handset to route 911 calls. This is an option that could also be adopted with other 911 calling modes. This method initially uses the A/B, B/A program, which routes calls to the preferred carrier unless that carrier provides no signal, in which case the call would be routed to the other cellular carrier. What Selective Retry adds is the ability for a caller to route a call to the other carrier by pressing the 911 button if and when the caller judges this to be necessary. Use of Selective Retry could occur both during call set-up and after a caller is in conversation. At a minimum, the Commission believes that it should be made available as a third 911 call set-up procedure manufacturers can incorporate in handsets.

19. The Second R&O recognizes that handsets with 911 buttons may seem vulnerable to accidental, false alarm calls. The Commission believes that, once alerted to this problem, handset manufacturers will be able to design 911 buttons that are much less vulnerable to accidental dialing. To the extent that effective designs are put in service, users will no longer need to program a speed dial button to 911, which should help reduce accidental dialing of 911. While the Second R&O does not adopt specific requirements for 911 buttons, the Commission encourages manufacturers to consider and address this issue in their designs. If necessary, the Commission is prepared to adopt specific rules to reduce accidental 911 calls, in order to assist the public safety organizations which must process such calls.

20. The Commission finds no reason why dual-mode and multi-mode handsets when operating in the analog mode cannot and should not be subject to the same 911 call completion principles and rules as analog-only handsets. The analog functions of these handsets are subject to the same standards and rules and the Commission believes that should continue to be the case in this critical public safety area. The Second R&O thus adopts the same rule and schedule for all handsets that operate in the analog cellular modes, including dual-mode and multi-mode handsets when they are operating in the analog cellular mode. Dual and multi-mode handsets may operate in a digital mode in routing 911 calls, but when the handset operates in analog mode, it should do so in compliance with the rules the Commission adopted in the Second R&O.

21. The Second R&O, to allow a reasonable time for cellular handset manufacturers to comply with these requirements to implement a separate 911 call menu that includes an approved 911 call completion mode, establishes a deadline nine months from the adoption date of this Second R&O. The Commission believes that this nine month period will allow carriers and PSAPs sufficient time to plan for changes in 911 calling patterns and make any other needed adjustments.

22. The Commission will implement this rule through an equipment manufacturing requirement and through the Commission's equipment authorization process. As of the date nine months from the adoption date of this Second R&O, any mobile unit manufactured with analog cellular capability will be expected to incorporate at least one of the three approved 911 call processing mode. Any application for equipment authorization of an analog cellular telephone submitted six months after the adoption date of this Second R&O must include a statement and a description of the approved 911 call processing method used by the device. The Commission will consider the incorporation of modifications to existing authorized equipment to Class I permissive changes that do not require a filing with the Commission.

[1] Several commenters suggested various disadvantages they found in an Adequate/Strongest Signal approach to 911 call completion problems. These disadvantages and the Commission's decision to approve Adequate/Strongest Signal as a mode of complying with the 911 call completion rules are discussed in the full text of the Second R&O in paragraphs 43–68.

Final Regulatory Flexibility Analysis

23. As required by the Regulatory Flexibility Act, (RFA),[2] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Further Notice of Proposed Rulemaking in this proceeding. The Commission sought written public comments on the proposals in the Second NPRM, including comment on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Second Report and Order (Second R&0) conforms to the RFA.[3]

I. Need for and Objectives of Action

24. The Second NPRM in this proceeding raised several issues of importance to improving E911 service. One issue in the Second NPRM considered proposals to help improve the transmission of 911 calls, particularly in geographic areas where a wireless 911 call could be delayed by ''blank spots'' where the system's radio signal is very weak or non-existent. A petition filed by the Ad Hoc Alliance for Public Access, proposing that the Commission require that all 911 calls be sent to the cellular system with the strongest control channel signal, was put out for comment at that time. The Commission sought comment on the Alliance's proposal and, more broadly, on ways to enable mobile users to complete 911 calls without regard to the geographic availability of the system or technology used by their wireless service. The Second R&O is needed to resolve these issues raised in the Second NPRM and is intended as an additional step toward improving both basic and enhance 911 wireless services and to ensure that critical 911 wireless service is offered in the most efficient, dependable way technologically feasible.

II. Summary of Significant Issues Raised by the Public Comments in Response to Initial Regulatory Flexibility Statement

25. No comments were submitted in direct response to the Initial Regulatory Flexibility Act. However, the Commission made every effort to gather as much data as possible on the issues considered in the Second R&O, and general comments received in response to the Second NPRM established an extensive record on which the decisions reached in the Second R&O were based. The Commission does not believe that a large number of manufacturers affected by the actions adopted in the Second R&O would be considered small businesses as defined by the Small Business Administration.

III. Description and Estimate of Small Entities Subject to the Rules

26. To estimate the number of small entities that may be affected by the possible significant economic impact of our present action, we first consider the definition of ''small entity'' under the RFA. The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[4] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[5] A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[6]

27. *Cellular Equipment Manufacturers.* The actions taken in the Second R&O will chiefly apply to manufacturers of cellular equipment offering analog services or digital equipment also offering analog services. The Commission does not know how many cellular equipment manufacturers are in the current market, or how many equipment manufacturers are developing dual-mode handsets that can operate as an analog as well as a digital set. The 1994 County Business Patterns Report of the Bureau of the Census estimates that there are 920 companies that make communications subscriber equipment. This category includes not only cellular equipment manufacturers, but television and AM/FM radio manufacturers as well. Thus the number of cellular equipment manufacturers is considerably lower than 920, and the number of cellular manufacturers producing equipment that can be used in analog mode is lower than that. Under SBA regulations, a ''communications equipment manufacturer,'' which includes not only U.S. cellular equipment manufacturers but also firms that manufacture radio and television broadcasting and other communications equipment, must have a total of 750 or fewer employees in order to qualify as a small business concern. Census Bureau data from 1992 indicate that at that time there were an estimated 858 such U.S. manufacturers and that 778 (91%) of these firms had 750 or fewer employees and would therefore be classified as small entities.[7] Using our current estimate of cellular equipment manufacturers and the previous percentage estimate of small entities, we estimate that our current action may affect approximately 837 small cellular equipment manufacturers.

28. *Cellular Carriers.* Cellular carriers are also impacted by the Commission's decision in this proceeding. The Commission has also not developed a definition of small entities applicable to cellular licensees. Again, the definition of small entity is the definition under the SBA rules this time applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons.[8]

29. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide appears to be data the Commission publishes annually in its *Carrier Locator* report, derived from filings made in connection with the Telecommunications Relay Service (TRS). According to our most recent data, 804 companies reported that they are engaged in the provision of cellular services . Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of Cellular Service Carriers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 804 small entity Cellular Service Carriers that might be affected by the actions taken in this Second R&O.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

30. The Second R&O adopts a rule requiring that analog cellular phone, manufactured more than nine months after the adoption date of the Order, include a separate capability for

[2] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et. seq.*, has been amended by the Contract with America Advancement Act of 1996, Pub. L. No. 104–121, 110 Stat. 847(1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[3] *See* 5 U.S.C. 604.

[4] *Id.* 601(6).

[5] *Id.* 601(3) (incorporating by reference the definition of ''small business concern'' in Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[6] Small Business Act, 15 U.S.C. 632.

[7] U.S. Dept. of Commerce, 1992 Census of Transportation, Communications and Utilities (issued May 1995), SIC code 3663 (estimate created by the Census Bureau under contract to the Office of Advocacy, SBA).

[8] 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812.

processing 911 calls that permits those calls to be handled, where necessary, by either cellular carrier in the area. The Second R&O also sets out guidelines for 911 call completion methods that satisfy our rule, approving three methods that have been proposed in the record, Automatic A/B Roaming-Intelligent Retry, Adequate/Strongest Signal, and Selective Retry. Any one of the three may be used. Alternative methods may be used to satisfy the Commission's Rules, provided that Commission approval is received for the alternative method. In this way, the Commission hopes to keep abreast of changing technology and alter its 911 rules whenever necessary to optimize the benefits of technology. Implementation of the rule will be achieved through an equipment manufacturing requirement and the Commission's equipment authorization process. The Second R&O also requires that any application for equipment authorization of an analog cellular telephone submitted six months after the adoption date of the Second R&O must include a statement and a description of the approved 911 call processing method used by the device.

31. Finally, the Second R&O suggests a voluntary program to educate users of analog phones with regard to capabilities of the A/B, B/A logic for 911 calls. The voluntary industry education program should also inform the users of the possibility that setting A/B, B/A as the default for analog handset could produce roaming charges.

V. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

32. Three 911-only call processing modes were proposed in this proceeding. Two of these, Automatic A/B Roaming-Intelligent Retry (IR) and Adequate/Strongest Signal have been modified significantly to address concerns raised in the record. For example, to avoid critical delays in transmission time under the Automatic A/B Roaming-IR proposal, the Second R&O establishes time limits for providing customer feedback that 911 call processing is underway but not completed. The handset should seek to complete the call with the non-preferred cellular carrier if the preferred cellular carrier has not successfully deliver the call to the landline carrier within 17 seconds after the call is placed. To reduce the possibility of consumers abandoning their 911 calls, the Second R&O indicates that the feedback information should advise callers to continue waiting for this amount of time. The Commission could have adopted a mandatory program to educate users of analog phones with regard to capabilities of the A/B, B/A logic for 911 calls, but instead made this provision voluntary.

33. Also, the Commission considered specific requirements for 911 buttons to avoid accidental dialing of 911, but declined to take regulatory action and encouraged manufacturers to consider and address this issue in their designs.

34. One commenter proposed that if the Commission adopted both Adequate/Signal and Automatic A/B Roaming-IR, that handset manufacturers be required to offer both choices in each handset. The Commission denied this proposal, finding such a requirement unwarranted and costly. The Second R&O, while not barring manufacturers from electing to incorporate more than one calling mode, or some combination of modes, indicates that implementation of any one of the approved 911 calling modes would improve 911 call completion.

35. Another commenter proposed a six month deadline for compliance with these regulations to implement a separate 911 call menu that includes an approved 911 call completion mode. The Second R&O adopted a nine month deadline to provide enough time for product and standards development or for thorough testing.

36. Finally, while approving the three 911 call completion modes, A/B Roaming-Intelligent Retry, Adequate Strongest Signal, and Selective Retry, the Second R&O also provided that carriers may incorporate a new or modified 911 call processing mode provided that they submit such requests to the Commission for approval.

Authority

37. This action is taken pursuant to sections 1, 4(i), 201, 303, 309, and 332 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151, 154(i), 201, 303, 309, 332.

Ordering Clauses

38. Accordingly, *it is ordered* that part 22 of the Commission's Rules is amended as set forth in this Second R&O.

39. *It is further ordered* that the rule amendments made by this Second R&O shall become effective July 28, 1999.

40. *It is further ordered* that authority is delegated to the Wireless Telecommunications Bureau to consider and approve, deny, or approve with modifications new or revised 911 call processing modes.

41. *It is further ordered* that, the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Second Report and Order, including the Final Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act of 1980, Public Law 96–354, 94 Stat., 5 U.S.C. 601–612 (1980).

Paperwork Reduction Act

The Second R&O contains a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in the NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and Agency comments are due on or before August 27, 1999. Comments should address: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

List of Subjects in 47 CFR Part 22

Communications common carriers, Communications equipment, Radio.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

Rule Changes

Part 22 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

2. New § 22.921 is added to read as follows:

§ 22.921 911 Call Processing Procedures; 911-Only Calling Mode.

All mobile phones manufactured after February 13, 2000, and capable of operating in an analog mode, *i.e.*, in compliance with ''Cellular System Mobile Station—Land Station Compatibility Specification'' (April 1981 Ed.) Office of Engineering and Technology Bulletin No. 53, referenced in § 22.933 must incorporate a special

procedure for processing ''9–1–1'' calls. Such procedure must recognize when a ''9–1–1'' call is made and, at such time, must override any programming in the mobile unit that determines the handling of a non-911 call and permit the call to be handled by other analog carriers. This special procedure must incorporate any one or more of the 9–1–1 call system selection processes endorsed or approved by the Commission.

[FR Doc. 99–16484 Filed 6–25–99; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 23 and 26

[Docket OST–97–2550]

RIN 2105–AB92

Participation by Disadvantaged Business Enterprises in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; correction.

SUMMARY: In its final disadvantaged business enterprise (DBE) rule, the Department intended to ensure the confidentiality of personal financial information submitted to recipients by owners of DBE firms. The Department inadvertently omitted the regulatory text language on this point. This correction document remedies this omission. In addition, this document corrects minor omissions concerning the threshold for Federal Transit Administration recipients to establish DBE programs and a requirement for transit vehicle manufacturers to have DBE programs, removes a potentially confusing word from the rule's provisions concerning DOT review of recipients' overall goals, clarifies language concerning the certification and personal net worth of airport concessionaires and others, and clarifies that a lease is viewed as a contract for purposes of the rule.

DATES: This rule is effective June 28, 1999.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590, phone numbers (202) 366–9306 (voice), (202) 366–9313 (fax), (202) 755–7687 (TDD), bob.ashby@ost.dot.gov (email).

SUPPLEMENTARY INFORMATION:

Privacy

In discussing the requirement of the DBE final rule that owners of DBE firms submit a statement of personal net worth, with supporting documentation, the Department addressed commenters' concerns about the confidentiality of the information. The preamble to the rule said the following:

> One of the primary concerns of DBE firms commenting about submitting personal financial information is ensuring that the information remains confidential. In response to this concern, the rule explicitly requires that this material be kept confidential. It may be provided to a third party only with the written consent of the individual to whom the information pertains. This provision is specifically intended to pre-empt any contrary application of state or local law (e.g., a state freedom of information act that might be interpreted to require a state transportation agency to provide to a requesting party the personal income tax return of a DBE applicant who had provided the return as supporting documentation for his PNW statement). There is one exception to this confidentiality requirement. If there is a certification appeal in which the economic disadvantage of an individual is at issue (e.g., the recipient has determined that he or she is not economically disadvantaged and the individual seeks DOT review of the decision), the personal financial information would have to be provided to DOT as part of the administrative record. The Department would treat the information as confidential. (64 FR 5117; February 2, 1999).

Unfortunately, through editorial error on the Department's part, the regulatory text provision referred to was omitted from the final rule. We regret any confusion that this omission may have caused, and we are correcting the error by inserting the language in a new paragraph (a)(2)(iii) of § 26.67 of the rule.

FTA Requirements for DBE Programs

In § 26.21(a)(2) of the rule, the Department states that FTA recipients who receive more than $250,000 in various forms of FTA assistance must have a DBE program. The phrase ''exclusive of transit vehicle purchases'' was inadvertently omitted from this paragraph. This omission has raised questions from some recipients, and we are reinserting the omitted language to avoid confusion. In addition, this provision did not make explicit that transit vehicle manufacturers must have DBE programs, so we are adding language to make this clear.

Review of Overall Goals

While operating administrations review recipients' overall goal submissions, recipients are not required to obtain prior concurrence by operating administrations with their overall goals (see § 26.45(f)(4)).

However, as the result of an editorial oversight, § 26.21(b)(1) of the rule makes a reference to overall goals being ''approved'' by operating administrations. Because prior concurrence is not required, this reference is incorrect and could be misleading. Therefore, we are removing it.

Concessionaires

In the February 2, 1999, final DBE rule, the Department removed all of former part 23 except the portion concerning airport concessionaires. The airport concession provisions were modified for consistency with the new 49 CFR part 26. In one respect, however, the amendment of the airport concessions provision failed to delete language concerning certification procedures that referred to the (now deleted) certification provisions of former part 23. While we have provided guidance to airports that they should follow part 26 procedures, we believe it would be useful to delete the language referring to former part 23's procedures. Therefore, this rule eliminates two paragraphs in § 23.95. Recipients should follow part 26 certification procedures for concessionaires as well as for other contractors.

Airports have expressed concern that the rule is unclear concerning the application to concessionaires of the $750,000 personal net worth (PNW) cap and PNW statement requirements of § 26.67. The Department is currently working to complete a final rule concerning airport concessions. The PNW cap applicable to concessionaires is one of the matters being considered in this rulemaking. The PNW cap amount that the Department applies to concessionaires may or may not be $750,000. Pending completion of the final rule on airport concessions, the Department believes it best to resolve the current uncertainty by making the $750,000 cap amount and PNW statement requirement of § 26.67 inapplicable to airport concessionaires.

We are amending § 26.67(a)(2)(i) to specify that disadvantaged owners of airport concessionaires are not required to submit PNW statements. Consequently, the rebuttal of the presumption of economic disadvantage based on a PNW statement an individual is required to submit (see § 26.67(b)(1)) also does not apply to airport concessionaires.

Definition of "Contract"

The 49 CFR part 23 definition of ''contract'' specified that a lease was

viewed as a contract. The part 26 definition inadvertently omitted this sentence. To avoid any potential confusion on this point, this correction document adds a sentence on leases.

Clarification Concerning Personal Net Worth Documentation

The Department has received a number of questions and expressions of concern about the documentation it is appropriate for recipients to require in ascertaining the personal net worth of owners of DBE firms. The Department believes that it is important to clarify the rule to state that this documentation, and the PNW statement itself, should not be unduly lengthy, burdensome or intrusive.

The Department uses the Small Business Administration's implementation of its PNW requirements as a model for recipients' practices. SBA requires a two-page form, supported by two years' of personal and business tax returns. With respect to the information routinely collected from applicants or owners of currently certified DBEs for purposes of ascertaining PNW, the Department believes that recipients should not exceed the information sought by SBA in its programs. Consequently, while recipients are not required to use the SBA form verbatim, they should use a form of similar length and content. Recipients may appropriately collect and retain copies of two years' of the individuals personal and business tax returns.

On the other hand, the Department regards as unduly lengthy, burdensome, or intrusive such practices as using a form significantly longer or more complex than the SBA form (e.g., a multipage PNW form), requiring inventories of personal property or appraisals of real property. Such practices are contrary to part 26.

Regulatory Analyses and Notices

This set of amendments correcting part 26 is not a significant rule under Executive Order 12866 or the Department's Regulatory Policies and Procedures. The Department certifies that the amendments will not have significant economic impacts on a substantial number of small entities. This is because the amendments are technical corrections that will not impose costs on entities, regardless of their size. They do not have Federalism impacts sufficient to warrant the preparation of a Federalism impact statement. They do not impose information collection requirements.

These amendments relate to regulatory provisions that have already been the subject of notice and comment (as part of the Department's May 1997 supplemental notice of proposed rulemaking concerning the DBE program).

Because the amendments merely correct accidental omissions from the regulatory text or remove a potentially confusing reference, we do not believe that additional notice and comment would be productive. Therefore, the Department has determined that further notice and comment would be impracticable, unnecessary, and contrary to the public interest. The Department has good cause to make the corrections effective immediately in order to avoid confusion and any adverse effects on DBEs or recipients from the absence of the omitted language.

List of Subjects

49 CFR Part 23

Administrative practice and procedure, Airports, Civil rights, Concessions, Government contracts, Grant programs—transportation, Minority businesses, Reporting and recordkeeping requirements.

49 CFR Part 26

Administrative practice and procedure, Airports, Civil rights, Government contracts, Grant programs—transportation, Highways and roads, Mass transportation, Minority businesses, Reporting and recordkeeping requirements.

Issued this 11th day of June, 1999, at Washington, D.C.

Rodney E. Slater,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department amends 49 CFR parts 23 and 26 as follows:

PART 23—[AMENDED]

1. The authority citation for part 23 continues to read as follows:

Authority: 42 U.S.C. 200d *et seq.*; 49 U.S.C. 47107 and 47123; Executive Order 12138, 3 CFR, 1979 Comp., p. 393.

§ 23.95 [Amended]

2. In § 23.95, remove and reserve paragraphs (f)(2) and (f)(3).

PART 26—[AMENDED]

3. The authority citation for part 26 is revised to read as follows:

Authority: 23 U.S.C. 324; 42 U.S.C. 2000d, *et seq.*; 49 U.S.C 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105–178, 112 Stat. 107, 113.

4. In the definition of the term ''Contract'' in § 26.5, add a sentence at the end of the definition, to read as follows:

§ 26.5 What do the terms used in this part mean?

* * * * *

Contract * * * For purposes of this part, a lease is considered to be a contract.

* * * * *

5. In § 26.21, revise paragraph (a)(2) to read as follows:

§ 26.21 Who must have a DBE program?

(a) * * *

(2) FTA recipients that receive $250,000 in FTA planning, capital, and/or operating assistance in a Federal fiscal year, exclusive of transit vehicle purchases, and transit vehicle manufacturers who must submit an overall goal under § 26.49;

* * * * *

§ 26.21 [Amended]

5. In § 26.21(b)(1), in the parenthetical phrase, remove the words ''and approved'' following the word ''reviewed''.

§ 26.45 [Amended]

6. In § 26.45(c)(5), remove the words ''Subject to the approval of the DOT operating administration, you'' and add ''You'' in its place.

7. Amend § 26.67 as follows:

a. Revise paragraph (a)(2)(i); and

b. Redesignate paragraph (a)(2)(ii) as paragraph (a)(2)(iii), and add a new paragraph (a)(2)(ii), to read as follows:

§ 26.67 What rules determine social and economic disadvantage?

(a) * * *

(2)(i) You must require each individual owner of a firm applying to participate as a DBE (except a firm applying to participate as a DBE airport concessionaire) whose ownership and control are relied upon for DBE certification to submit a signed, notarized statement of personal net worth, with appropriate supporting documentation. This statement and documentation must not be unduly lengthy, burdensome, or intrusive.

(ii) Notwithstanding any provision of state law, you must not release an individual's personal net worth statement nor any documentation supporting it to any third party without the written consent of the submitter. *Provided,* that you must transmit this information to DOT in any certification appeal proceeding under § 26.89 in which the disadvantaged status of the individual is in question.

* * * * *

[FR Doc. 99–15866 Filed 6–24–99; 8:45 am]

BILLING CODE 4910–62–P

Proposed Rules

Federal Register
Vol. 64, No. 123
Monday, June 28, 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 989

[Docket No. FV99–989–4 PR]

Raisins Produced From Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on using an estimated trade demand figure to compute volume regulation percentages for 1999–2000 crop Natural (sun-dried) Seedless (NS) raisins covered under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (Committee). This rule would provide parameters for implementing volume regulation for 1999–2000 crop NS raisins if supplies are short for the purposes of maintaining a portion of the industry's export markets and stabilizing the domestic market.

DATES: Comments must be received by July 19, 1999.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698; or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, or Fax: (202) 720–5698. Small businesses may request information on complying with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov. You may view the marketing agreement and order small business compliance guide at the following web site: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act 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 file 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 and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the 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 his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule invites comments on using an estimated trade demand figure to compute volume regulation percentages for 1999–2000 crop NS raisins covered under the order. This rule would provide parameters for implementing volume regulation for 1999–2000 crop NS raisins if supplies are short for the purposes of maintaining a portion of the industry's export markets and stabilizing the domestic market. This action was recommended by the Committee at a meeting on April 13, 1999.

Volume Regulation Authority

The order provides authority for volume regulation designed to promote orderly marketing conditions, stabilize prices and supplies, and improve producer returns. When volume regulation is in effect, a certain percentage of the California raisin crop may be sold by handlers to any market (free tonnage) while the remaining percentage must be held by handlers in a reserve pool (reserve) for the account of the Committee. Reserve raisins are disposed of through certain programs authorized under the order. For instance, reserve raisins may be sold by the Committee to handlers for free use or to replace part of the free tonnage raisins they exported; used in diversion programs; carried over as a hedge against a short crop the following year; or disposed of in other outlets not competitive with those for free tonnage raisins, such as government purchase, distilleries, or animal feed. Net proceeds from sales of reserve raisins are distributed to the reserve pool's equity holders, primarily producers.

Section 989.54 of the order prescribes procedures and time frames to be followed in establishing volume regulation for each crop year, which runs from August 1 through July 31. The Committee must meet by August 15 to review data regarding raisin supplies. At that time, the Committee computes a trade demand for each varietal type for

which a free tonnage percentage might be recommended. Trade demand is equal to 90 percent of the prior year's domestic and export shipments, adjusted by subtracting carryin inventory from the prior year, and adding a desirable carryout inventory for the end of the current year.

By October 5, the Committee must announce preliminary crop estimates and determine whether volume regulation is warranted for the varietal types for which it computed trade demands. Preliminary volume regulation percentages are then computed to release 85 percent of the computed trade demand if a field price has been established, or 65 percent of the trade demand if no field price has been established. Field price is the price that handlers pay for raisins from producers. By February 15, the Committee must recommend final free and reserve percentages which release the full trade demand.

The order also requires that, when volume regulation is in effect, two offers of reserve raisins must be made available to handlers for free use. These offers are known as the ''10 plus 10'' offers. Each offer consists of a quantity of reserve raisins equal to 10 percent of the prior year's shipments. The order also specifies that ''10 plus 10'' raisins must be sold to handlers at the current field price plus a 3 percent surcharge and Committee costs.

Development of Export Markets

With the exception of 10 crop years, volume regulation has been utilized for NS raisins since the order's inception in 1949. The procedures for determining volume regulation percentages have been modified over the years to address the industry's needs. In the past, volume regulation has been utilized primarily to help the industry manage an oversupply of raisins. Through the use of various marketing programs operated through reserve pools and other industry promotional activities, the industry has also developed its export markets which now account for almost 40 percent of the industry's shipments.

Between 1980–85, exports of California NS raisins averaged about 26 percent (53,700 packed tons, or raisins which have been processed) of the industry's total NS raisin shipments (207,600 packed tons, excluding government purchases) per year. Between 1993–97, NS raisin exports increased to average about 37 percent (112,000 packed tons) of the industry's total NS raisin shipments (300,000 packed tons, excluding government purchases) per year.

Export Replacement Offer

One market development program operated through reserve pools, the Export Replacement Offer (ERO), has helped U.S. raisins to be price competitive in export markets. Prices in export markets are generally lower than the domestic market. The ERO began in the early 1980's as a ''raisin-back'' program whereby handlers who exported California raisins could purchase, at a reduced price, reserve raisins for free use. This effectively blended down the cost of the raisins which were exported. The NS raisin ERO was changed to a ''cash-back'' program in 1996 whereby handlers could receive cash from the reserve pool for export shipments.

Over the past 5 years, an average of 43,000 natural condition tons (unprocessed raisins) of reserve raisins have been utilized per year to fund the ERO. Financing for the cash-back ERO program has been generated primarily from the Committee's ''10 plus 10'' sales of reserve raisins to handlers for free use. Under the 1996 and 1997 cash-back ERO programs, an average of $57 million of reserve pool funds were utilized to support the export of about 113,000 packed tons of NS raisins.

Current Industry Situation—Potential of Two, Consecutive Short Crops

The Committee is concerned with maintaining the ERO program through potentially two, consecutive short crop years. The 1998–99 California raisin crop was much smaller than average due to the combined effect of adverse crop conditions created by the weather phenomenon known as El Niño, scattered rain during the fall harvest, and a shortage of labor once the grapes were ready for harvest. The 1998–99 NS raisin crop is estimated at 235,000 natural condition tons, about 35 percent lower than the 10-year average of 360,183 natural condition tons. Volume regulation was not implemented for 1998–99 NS raisins, the major varietal type of California raisin, for the first time in 16 years. However, about 60,000 natural condition tons of 1997–98 reserve raisins were available to maintain the industry's ERO program.

The Committee is concerned that the 1999–2000 California raisin crop may also be short due to an April 1999 frost and anticipated high demand for raisin-variety grapes from wineries next fall. If no 1999–2000 reserve were established, the industry would not be able to continue the ERO program. Without a program to support its export sales, the Committee is concerned that the industry could lose a significant portion, perhaps 50 percent, of those markets. Further, handlers who could not sell their raisins in export may sell their raisins domestically. Annual domestic shipments of NS raisins for the past 5 years have averaged about 188,000 packed tons. The Committee is concerned that additional raisins sold into the domestic market could create instability.

Thus, the Committee formed a working group to review this issue and consider options to continue to support its export sales while maintaining stability in the domestic market. After several meetings, the working group presented its recommendation to a subcommittee, and then in turn to the Committee. At a meeting on April 13, 1999, the Committee recommended adding a new paragraph to § 989.154 of the order's administrative rules and regulations that would provide parameters for implementing volume regulation for 1999–2000 crop NS raisins if supplies are short. Section 989.154 would be divided into two paragraphs, (a) and (b). Paragraph (a) would pertain to an existing regulation regarding desirable carryout levels, and paragraph (b) would pertain to estimated trade demand.

Implementing Volume Regulation if Supplies are Short To Maintain the ERO

Section 989.54(e) contains a list of factors that the Committee must consider when computing volume regulation percentages. Factor (4) states that the Committee must consider, if different than the computed trade demand, the estimated trade demand for raisins in free tonnage outlets. The Committee recommended using an estimated trade demand figure for 1999–2000 crop NS raisins, or a figure different than the computed trade demand, to compute volume regulation percentages to create a reserve if supplies are short. This would allow the Committee to continue its ERO program thereby maintaining a portion of its export sales and stabilizing the domestic market.

Specifically, the Committee recommended that an estimated trade demand be utilized to compute preliminary, interim, and final free and reserve percentages for 1999–2000 crop NS raisins if the crop estimate is equal to, less than or no more than 10 percent greater that the trade demand as computed according to the formula specified in § 989.54(a) of the order. If an estimated trade demand figure is utilized, the final reserve percentage would be no more than 10 percent. Finally, volume regulation would not be

implemented if the 1999–2000 crop estimate is below 235,000 natural condition tons.

To illustrate how this would work, the Committee would compute a trade demand for NS raisins by August 15 (as an example, 260,000 natural condition tons). At that time, the Committee would also announce its intention to use an estimated trade demand of 235,000 natural condition tons to compute volume regulation percentages for the 1999–2000 crop.

Crop Estimate Below 235,000 Tons—No Regulation

The Committee would meet by October 5 to announce a NS crop estimate and determine whether volume regulation was warranted. Under the Committee's proposal, if the 1999–2000 crop estimate is under 235,000 natural condition tons, volume regulation would not be recommended. With a crop of 235,000 natural condition tons, and about 82,000 natural condition tons of NS raisins projected to be carried forward from the 1998–99 crop year, a supply of about 317,000 natural condition tons of raisins would be available for the 1999–2000 crop year. As previously mentioned, annual NS raisin shipments average about 300,000 packed tons (about 320,000 natural condition tons), excluding government purchases.

With an available supply of only 317,000 natural condition tons of NS raisins, the Committee believes that the industry's first priority would be to satisfy the needs of the domestic market, which absorbs annually an average of about 188,000 packed tons (200,000 natural condition tons). Assuming that 200,000 natural condition tons were shipped domestically, the Committee estimates that, with no ERO program to help U.S. raisins be price competitive in export markets, the industry would export about half of its usual tonnage, or about 60,000 natural condition tons. The remaining 57,000 natural condition tons would likely be held in inventory for the following 2000–2001 crop year. Annual carryout inventory for NS raisins for the past 5 years has averaged about 100,000 natural condition tons.

Crop Estimate Between 235,000 Tons and 10 Percent Above the Computed Trade Demand—Volume Regulation

If the October 1999–2000 crop estimate for NS raisins falls between 235,000 natural condition tons and 10 percent above the computed trade demand, the Committee would use an estimated trade demand figure to compute preliminary free and reserve percentages for the 1999–2000 crop. Thus, using the 260,000 natural condition ton computed trade demand figure, an estimated trade demand would be used to compute volume regulation percentages if the crop estimate falls between 235,000 and 286,000 natural condition tons.

The order specifies that preliminary percentages compute to release 85 percent of the computed trade demand as free tonnage once a field price is established. Producers are paid the field price for their free tonnage. Normally, when preliminary percentages are computed, producers receive an initial payment from handlers for 85 percent of the computed trade demand (or 65 percent of the trade demand if no field price has been established). Using the 260,000 natural condition ton computed trade demand figure, this would equate to 238,000 natural condition tons. However, if the lower, 235,000 natural condition ton estimated trade demand figure were utilized to compute preliminary percentages, producers would receive an initial payment from handlers for only 199,750 natural condition tons, or 71 percent of the computed trade demand.

The Committee is concerned with the preliminary percentage computation using an estimated trade demand and its impact on producer returns. The Committee wants to ensure that producers receive the field price for as much of their crop as possible early in the season while still establishing a small pool of reserve raisins to maintain the ERO. Thus, the Committee recommended that, if an estimated trade demand figure is utilized, preliminary percentages be computed to release 85 percent of the crop estimate. However, the order specifies that preliminary percentages be computed to release 85 percent of the trade demand, not the crop estimate, once a field price is established.

To achieve the same objective but remain within the order's parameters, the Committee could compute interim percentages to equal 85 percent free and 15 percent reserve. Pursuant to § 989.54(c), interim percentages may be computed prior to February 15 to release less than the trade demand. As an example, with a crop estimate of 265,000 natural condition tons and an estimated trade demand of 238,500 natural condition tons, a free percentage of 85 percent of the crop estimate would release 225,250 natural condition tons of raisins, or 94 percent of the estimated trade demand. This action would mollify the impact of implementing volume regulation when supplies are short on producers by allowing them to be paid for as much of their free tonnage raisins as possible early in the season.

Finally, the Committee would meet by February 15 to compute final free and reserve percentages. The Committee recommended that if an estimated trade demand figure is used to compute percentages, the final reserve percentage be computed to equal no more than 10 percent. Producers would ultimately be paid the field price for 90 percent of their crop, or their free tonnage.

The remaining 10 percent of the crop would be held in reserve and offered for sale to handlers in the ''10 plus 10'' offers. As previously described, the ''10 plus 10'' offers are two offers of reserve raisins that are made available to handlers for free use. The order specifies that each offer consists of a quantity of reserve raisins equal to 10 percent of the prior year's shipments. This requirement would not be met if volume regulation were implemented when raisin supplies were short. However, all of the raisins held in reserve would be made available to handlers for free use. Handlers would pay the Committee for the ''10 plus 10'' raisins and that money would be utilized to fund a 1999–2000 ERO program. Any unused 1999–2000 reserve pool funds could be loaned forward to initiate a 2000–2001 ERO program. However, the Committee recommended that such funds be paid back to the 1999–2000 reserve pool and ultimately be returned to 1999–2000 equity holders.

Crop Estimate More Than 10 Percent Above the Computed Trade Demand

Finally, the Committee recommended that, if the 1999–2000 crop estimate is more than 10 percent greater than the computed trade demand (or above 286,000 natural condition tons in the earlier example), the computed trade demand (as an example, 260,000 natural condition tons) would be utilized to compute volume regulation percentages. Under this scenario, enough raisins (over 28,000 natural condition tons) would be available in reserve to continue the ERO program.

It is anticipated that allowing the use of an estimated trade demand figure to compute volume regulation percentages for 1999–2000 crop NS raisins if supplies are short would assist the industry in maintaining a portion of its export markets and stabilize the domestic market. If the crop estimate is below 235,000 natural condition tons, no volume regulation would be implemented. If this occurs, it is anticipated that domestic market needs would be met, while export markets would likely not be satisfied.

However, if the crop falls between 235,000 natural condition tons and slightly higher than the computed trade demand, establishing a small reserve pool would allow the industry to not only satisfy the needs of the domestic market, but also maintain a portion of its export sales, which now account for almost 40 percent of the industry's annual shipments. By maintaining an ERO program, even at a reduced level, exporters could continue to be price competitive and sell their raisins abroad. The domestic market would remain stable because it would not have to absorb any additional raisins that handlers could not afford to sell in export markets.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than 7 handlers, and a majority of producers, of California raisins may be classified as small entities. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining 7 handlers have sales less than $5,000,000, excluding receipts from any other sources.

This rule would add a new paragraph to § 989.154 of the order's administrative rules and regulations that would provide parameters for using an estimated trade demand figure specified in § 989.54(e)(4) of the order to compute volume regulation percentages for 1999–2000 crop NS raisins. This rule would provide guidelines for the use of volume regulation if 1999–2000 NS raisin supplies are short for the purposes of maintaining a portion of the industry's export markets and stabilizing the domestic market.

Regarding the impact of the action on producers and handlers, under the Committee's proposal, if an estimated trade demand figure was used to compute volume regulation percentages, the final reserve percentage would compute to no more than 10 percent. Producers would thus be paid the field price for at least 90 percent of their crop, but would lose being paid the field price for about 10 percent of their crop that would go into a reserve pool. The field price for NS raisins for the past 5 years has averaged $1,216 per ton. Handlers in turn would purchase 90 percent of their raisins directly from producers at the field price, but would have to buy remaining raisins out of the reserve pool at a higher price (field price plus 3 percent and Committee costs). The ''10 plus 10'' price of NS reserve raisins has averaged about $100 higher than the field price for the past 5 years, or $1,316 per ton. Proceeds from the ''10 plus 10'' sales would be used to support export sales.

While there may be some initial costs for both producers and handlers, the long term benefits of this action far outweigh the costs. The Committee believes that with no reserve pool and hence no ERO program, export sales would decline dramatically, perhaps up to 50 percent. Handlers would likely sell into the domestic market raisins that they were unable to sell into lower priced export markets. Additional NS raisins sold into the domestic market, which typically absorbs about 188,000 packed tons, could create instability. The industry would likely lose a substantial portion of its export markets, which now account for about 37 percent (112,000 packed tons) of the industry's annual shipments (300,000 packed tons, excluding government purchases). Committee members have also commented that, once export markets were lost, it would be difficult and costly for the industry to recover those sales.

Maintaining the industry's export markets would, in turn, help the industry maximize its 1999–2000 total shipments and prevent handlers from carrying forward large quantities of inventory into the 2000–2001 crop year. If the industry is unable to maximize its 1999–2000 shipments, carryin inventory could be high which would result in a lower computed trade demand figure for the 2000–2001 crop year. If the industry returns to its pattern of relatively large crops in 2000–2001, a low trade demand and large crop estimate would compute to a low free tonnage percentage. Since producers are paid significantly more for their free tonnage than for reserve tonnage, this would mean reduced returns to producers. Projected reduced 2000–2001 returns to raisin producers, coupled with the risks of rain and labor shortages during harvest, may influence producers to ''go green,'' or sell their raisin-variety grapes to the fresh-grape, wine, or juice concentrate markets. Additional supplies to those outlets could potentially reduce ''green'' returns as well.

A similar scenario occurred in the California raisin industry in the early 1980's where the industry experienced two consecutive, short crop years. The 1981–82 and 1982–83 crops were short followed by relatively large crops for the remainder of the 1980's. The producer field price for NS raisins was $1,275 per ton for 1981–82 crop raisins, and $1,300 per ton for 1982–83 crop raisins. No volume regulation was implemented in 1982–83. However, a large inventory of high-priced raisins was carried forward into the 1983–84 crop year. When coupled with the largest crop on record at the time, volume regulation was implemented for the 1983–84 crop with the free tonnage percentage at a historically low 37.5 percent. By 1984, the producer field price for free tonnage raisins fell to $700 per ton, causing producers to experience large financial losses. Thus, the industry wants to help avoid a repeat of what happened in the 1980's by utilizing the Federal order to maintain export sales and provide stability in the domestic market.

Several alternatives to the proposed action were considered by the industry. As previously mentioned, the Committee formed a working group to address its concerns. The working group considered utilizing money remaining in the 1997–98 reserve pool to fund some portion of an ERO. About $22 million would be available. However, because there was no 1998–99 reserve, the 1997–98 pool will ultimately fund at least 16 months of an ERO program. Ideally, the Committee would like to see each reserve pool support one year of an ERO program. Unfortunately, because of variances in crop size, the spread in price between the domestic and export markets, and other factors, this goal is not always met. In any event, the Committee agreed that any remaining 1997–98 reserve pool funds could be loaned forward to initiate a 1999–2000 ERO program, but those funds would have to be paid back and ultimately returned to the 1997–98 equity holders.

A second alternative considered by the working group was to fund the ERO through an increased assessment rate.

The current assessment rate is $8.50 per ton for raisins acquired by handlers. The Committee estimated that the rate would need to be increased to at least $60 per ton for acquired raisins. The Department had concerns with such an increase as well as whether the ERO could be funded through the order's assessment authority.

A third alternative considered by the working group was to change the order's desirable carryout formula. Desirable carryout is part of the order's trade demand formula and is the amount of tonnage from the prior crop year needed during the first part of the next crop year to meet market needs, before new crop raisins are available for shipment. Desirable carryout is specified in the order's regulations and is equal to 2½ months of the prior year's shipments. Changing the desirable carryout changes the trade demand computation. The working group considered developing a sliding scale which would match crop estimates with levels of carryout inventory. However, after much discussion, the working group ultimately recommended to the Committee using an estimated trade demand to compute volume regulation percentages next year if NS raisin supplies are short.

There are some reporting, recordkeeping and other compliance requirements under the order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. If volume regulation were implemented next year using an estimated trade demand figure, the requirements on handlers would be identical to those requirements imposed in past seasons when volume regulation was implemented. As previously stated, volume regulation has been utilized in all but 10 seasons for NS raisins since the inception of the order in 1949. Thus, handlers are familiar with the requirements.

Furthermore, this action would not impose any additional reporting or recordkeeping burden on either small or large handlers. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. The information and recordkeeping requirements have been previously approved by the Office of Management and Budget (OMB) under OMB Control No. 0581–0178. As with other similar marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

In addition, the Committee's working group meetings held on February 24, March 10, March 18, April 6, 1999, and the subcommittee and Committee meetings on April 13, 1999, where this action was deliberated were all public meetings widely publicized throughout the raisin industry. The Committee held a follow-up meeting on June 10, 1999, to further educate the industry on its recommendation. All interested persons were invited to attend the meetings and participate in the industry's deliberations.

Further, two major industry organizations, Sun-Maid Growers of California (Sun-Maid) and the Raisin Bargaining Association (RBA), have held meetings to provide additional information to their members on the Committee's recommendation. Sun-Maid and the RBA represent about 70 percent of the California raisin industry. Finally, all interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 20-day comment period is provided to allow interested persons to respond to this proposal. Twenty days is deemed appropriate because this action, if adopted, should be in place by the beginning of the 1999–2000 crop year, August 1. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is proposed to be amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 989.154 [Amended]

2. The undesignated center heading preceding § 989.154 is revised to read ''Marketing Policy.''

3. Section 989.154 is revised to read as follows:

§ 989.154 Marketing policy computations.

(a) *Desirable carryout levels.* The desirable carryout levels to be used in computing and announcing a crop year's marketing policy shall be equal to total shipments of free tonnage of the prior crop year during August, September, and one-half of October, for each varietal type, converted to a natural condition basis: *Provided,* That, should the prior year's shipments be limited because of crop conditions, the Committee may select the total shipments during the months of August, September, and one-half of October during one of the three crop years preceding the prior crop year.

(b) *Estimated trade demand.* Pursuant to § 989.54, paragraph (e)(4), estimated trade demand is a figure different than the trade demand computed according to the formula in § 989.54, paragraph (a). The Committee shall use an estimated trade demand to compute preliminary and interim free and reserve percentages, or determine such final percentages for recommendation to the Secretary for 1999–2000 crop Natural (sun-dried) Seedless (NS) raisins if the crop estimate is equal to, less than, or no more than 10 percent greater than the computed trade demand: *Provided,* That the final reserve percentage computed using such estimated trade demand shall be no more than 10 percent, and no reserve shall be established if the final 1999–2000 NS raisin crop estimate is less than 235,000 natural condition tons.

4. A new undesignated center heading is added preceding § 989.157 to read ''Quality Control.''

Dated: June 23, 1999.

Enrique E. Figueroa,

Administrator, Agricultural Marketing Service.

[FR Doc. 99–16329 Filed 6–23–99; 2:48 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–369–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60

series airplanes. This proposal would require a one-time visual inspection of the emergency brake accumulator mounting structure for evidence of cracking; and corrective action, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the mounting angle that supports the emergency brake system due to cracking, which could result in loss of the emergency brake system.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–369–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–369–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–369–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 series airplanes. The CAA advises that cracking was detected on the emergency brake accumulator mounting structure. The exact cause of the cracking has not been determined at this time. This condition, if not corrected, could result in failure of the mounting angle that supports the emergency brake system, and consequent loss of the emergency brake system.

Explanation of Relevant Service Information

Bombardier has issued Short Brothers Service Bulletins SD3 SHERPA–29–2 (for Model SD3–SHERPA series airplanes), SD360 SHERPA–29–1 (for Model SD3–60 SHERPA series airplanes), SD330–29–19 (for Model SD3–30 series airplanes), and SD360–29–06 (for Model SD3–60 series airplanes); all dated October 22, 1998. These service bulletins describe procedures for inspecting the emergency brake accumulator mounting angle for cracks; replacing the mounting angle with a new or serviceable mounting angle, if necessary; and reporting the results of the inspection findings to Short Brothers.

The CAA has classified these service bulletins as mandatory and issued British airworthiness directives 009–10–98 (for Model SD3–SHERPA series airplanes), 011–10–98 (for Model SD3–60 SHERPA series airplanes), 008–10–98 (for Model SD3–30 series airplanes), and 010–10–98 (for Model SD3–60 series airplanes) in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 56 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,360, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Short Brothers PLC: Docket 98–NM–369–AD.

Applicability: All Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the mounting angle that supports the emergency brake system due to cracking, which could result in loss of the emergency brake system, accomplish the following:

Inspection

(a) Within 3 months after the effective date of this AD, perform a visual inspection of the emergency brake accumulator mounting angle for evidence of cracking in accordance with Shorts Service Bulletin SD3 SHERPA–29–2 (for Model SD3–SHERPA series airplanes); SD360 SHERPA–29–1 (for Model SD3–60 SHERPA series airplanes); SD330–29–19 (for Model SD3–30 series airplanes); or SD360–29–06 (for Model SD3–60 series airplanes); all dated October 22, 1998; as applicable. If any cracking is found, prior to further flight, remove and replace the mounting angle with a new or serviceable part in accordance with the applicable service bulletin.

Reporting

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to Short Brothers PLC, Mel Smith, Team Leader Customer Support, facsimile number: 44–1232–733024. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directives 009–10–98 (for Model SD3–SHERPA series airplanes), 011–10–98 (for Model SD3–60 SHERPA series airplanes), 008–10–98 (for Model SD3–30 series airplanes), and 010–10–98 (for Model SD3–60 series airplanes).

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16336 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–349–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Short Brothers Model SD3–30 series airplanes. This proposal would require modification of electrical wiring associated with heater components. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the autofeather system, which could result in reduced controllability of the airplane in the event of engine failure during takeoff.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–349–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–349–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–349–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain Short Brothers Model SD3–30 series airplanes. The CAA advises that modifications of Model SD3–30 series airplanes accomplished in accordance with Shorts Service Bulletin SD330–30–30, dated June 1988, may inhibit the autofeather system. That service bulletin describes the actions necessary to modify electrical wiring and remove equipment associated with component heaters. However, that service bulletin provided insufficient information to adequately accomplish the wiring changes and equipment removal. Performing the modification as described in Shorts Service Bulletin SD330–30–30, dated June 1988, could result in the failure of the autofeather system and consequent reduced controllability of the airplane in the event of engine failure during takeoff.

Explanation of Relevant Service Information

The manufacturer has issued Shorts Service Bulletin SD330–30–33, dated June 1998. That service bulletin references Shorts Service Bulletin SD330–30–30, Revision 1, dated September 1997, which describes procedures for modifying electrical wiring, and removing circuit breakers, an ammeter, ammeter shunts, and plugs associated with component heaters. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 003–06–98 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 27 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions and that the average labor rate is $60 per work hour. The cost for required parts would be minimal. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,720, or $360 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Short Brothers PLC: Docket 98–NM–349–AD.

Applicability: Model SD3–30 series airplanes that have been modified in accordance with Shorts Service Bulletin SD330–30–30, dated June 1988; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the autofeather system, which could result in reduced controllability of the airplane in the event of engine failure during takeoff, accomplish the following:

Required Modification

(a) Within 60 days after the effective date of this AD, modify electrical wiring associated with component heaters in accordance with Shorts Service Bulletin SD330–30–33, dated June 1998.

Note 2: Shorts Service Bulletin SD330–30–33, dated June 1998, references Shorts Service Bulletin SD330–30–30, Revision 1, dated September 1997, as an additional source of service information for modifying the electrical wiring and removing equipment associated with component heaters. Operators should note that Shorts Service Bulletin SD330–30–30, Revision 1, dated September 1997, requires that Pratt & Whitney Service Bulletin No. 3222, Revision No. 2, be incorporated prior to or in conjunction with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in British airworthiness directive 003–06–98.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16335 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–106–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus A319, A320, and A321 series airplanes. This proposal would require modification of the electro-distributor for the nose wheel steering servo-control. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent uncommanded nose landing gear wheel rotation, due to defective seals in the wheel steering selector valve of the hydraulic control unit for the nose landing gear, which could result in reduced controllability of the airplane.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–106–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–106–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–106–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Gorale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that there have been several cases of uncommanded nose landing gear wheel rotation on in-service airplanes. Such uncommanded rotation was caused by defective seals in the wheel steering selector valve of the hydraulic control unit for the nose landing gear, which resulted in failure of the nose landing gear wheel steering system. The seals

were found to be extruded due to aging or the absence of a backup ring. Uncommanded nose landing gear wheel rotation, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–32–1197, Revision 01, dated February 11, 1999, which describes procedures for modification of the electro-distributor for the nose wheel steering servo-control. The modification involves replacing the O-ring seals fitted to the electro-distributor with new ''GREENE TWEED'' seals with a back-up ring. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 1999–124–129(B), dated March 24, 1999, in order to assure the continued airworthiness of these airplanes in France.

Airbus Service Bulletin A320–32–1197 references MESSIER-BUGATTI Service Bulletin C24736–32–3166, dated December 4, 1998, as an additional source of service information for accomplishment of the modification.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the action specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 208 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per airplane to accomplish the proposed modification, and that the average labor rate is $60 per work hour. Required parts would cost approximately $335 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $157,040, or $755 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99–NM–106–AD.

Applicability: Model A319, A320, and A321 series airplanes; except those airplanes on which Airbus Modification 23740 was accomplished during production, and those airplanes on which Airbus Service Bulletin A320–32–1197, dated October 9, 1998, or Revision 01, dated February 11, 1999, has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded nose landing gear wheel rotation, due to defective seals in the wheel steering selector valve of the hydraulic control unit for the nose landing gear, which could result in reduced controllability of the airplane, accomplish the following:

Modification

(a) Within 12 months after the effective date of this AD, modify the electro-distributor for the nose wheel steering servo-control in accordance with Airbus Industrie Service Bulletin A320–32–1197, Revision 01, dated February 11, 1999.

Note 2: Airbus Service Bulletin A320–32–1197 references MESSIER-BUGATTI Service Bulletin C24736–32–3166, dated December 4, 1998, as an additional source of service information for accomplishment of the modification.

Note 3: Replacement of the by-pass valve in accordance with MESSIER-BUGATTI Service Bulletin C24736–32–3126, dated February 15, 1995, as revised by Change Notice Number 1, dated March 16, 1999, is considered acceptable for compliance with the action specified in paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install a hydraulic control unit, part number C24736000 or C24736001, on any airplane, unless it has been modified in accordance with the actions required by paragraph (a) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in French airworthiness directive 1999–124–129(B), dated March 24, 1999.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16334 Filed 6–25–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–12–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 series airplanes. This proposal would require replacement of the existing bolts that secure the elevator control torque tube bearing housing retaining plate with hex head bolts. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent reduced movement of the elevator controls and consequent reduced controllability of the airplane, as a result of bolts coming loose on the elevator control torque tube bearing housing retaining plate.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–12–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–12–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–12–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 series airplanes. The CAA advises that the bolts that secure the elevator control torque tube bearing housing retaining plate to the pilots seat pedestal were found loose. The bolts became loose due to the existing design of the bolts, which does not allow for proper torquing upon installation. This condition, if not corrected, could result in bolts coming loose on the elevator control torque tube bearing housing retaining plate which could result in reduced movement of the elevator controls and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Short Brothers has issued the following service bulletins:

- SD3 Sherpa-27–3, Revision 1, dated November 23, 1998 (for Model SD3–SHERPA series airplanes);
- SD3–60 Sherpa-27–3, Revision 1, dated November 23, 1998 (for Model SD3–60 SHERPA series airplanes);
- SD330–27–37, Revision 1, dated November 23, 1998 (for Model SD3–30 series airplanes); and
- SD360–27–28, Revision 1, dated November 23, 1998 (for Model SD3–60 series airplanes).

These service bulletins describe procedures for replacement of the existing bolts that secure the elevator control torque tube bearing housing retaining plate with hex head bolts. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The CAA classified these service bulletins as mandatory and issued British airworthiness directives 009–11–98, 010–11–98, 013–11–98, and 017–11–98, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom

and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the applicable service bulletin described previously.

Cost Impact

The FAA estimates that 46 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would come from the operator's existing supply. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $11,040, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Short Brothers PLC: Docket 99–NM–12–AD.

Applicability: All Model SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced movement of the elevator controls and consequent reduced controllability of the airplane, as a result of bolts coming loose on the elevator control torque tube bearing housing retaining plate, accomplish the following:

Replacement

(a) Within 6 months after the effective date of this AD, replace the existing bolts of the elevator control torque tube bearing housing retaining plate with hex head bolts torqued to a value of 35 lb-ins, in accordance with Shorts Service Bulletins SD3 Sherpa–27–3, Revision 1, dated November 23, 1998 (for Model SD3–SHERPA series airplanes); SD3–60 Sherpa–27–3, Revision 1, dated November 23, 1998 (for Model SD3–60 SHERPA series airplanes); SD330–27–37, Revision 1, dated November 23, 1998 (for Model SD3–30 series airplanes); or SD360–27–28, Revision 1, dated November 23, 1998 (for Model SD3–60 series airplanes); as applicable.

Alternative Method of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directives 009–11–98, 010–11–98, 013–11–98, and 017–11–98.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16333 Filed 6–25–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–29–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes. This proposal would require detailed visual and borescopic inspections to detect corrosion of the

engine mounting tube assembly, and replacement of corroded parts with new or serviceable parts. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the engine mounting tube assembly, which could result in loss of the engine in flight.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–29–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes. The CAA advises that corrosion has been found on and in the engine mounting tube assembly of two Model SD3–60 series airplanes. Specifically, corrosion was found on the internal surface of the engine mounting tubes, and on the tube end fittings, taper pins, and foot fittings. This condition may exist on all four Short Brothers models due to the similarity in design of the engine mounting asssembly for each model. Such corrosion, if not corrected, could result in failure of the engine mounting tube assembly and consequent loss of the engine in flight.

Explanation of Relevant Service Information

The manufacturer has issued Shorts Service Bulletins SD330–71–23, dated November 20, 1998, and Revision 1, dated April 26, 1999 (for Model SD3–30 series airplanes); SD3 SHERPA 71–1, Revision 1, dated February 3, 1999, and Revision 2, dated April 26, 1999 (for Model SD3–SHERPA series airplanes); SD360 SHERPA 71–1, Revision 1, dated February 3, 1999, and Revision 2, dated April 26, 1999 (for Model SD3–60 SHERPA series airplanes); and SD360–71–18, Revision 1, dated February 3, 1999, and Revision 2, dated April 26, 1999 (for Model SD3–60 series airplanes). These service bulletins describe procedures for detailed visual and borescopic inspections to detect corrosion of the engine mounting tube assembly, and replacement of corroded parts with new or serviceable parts. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The CAA classified these service bulletins as mandatory and issued British airworthiness directives 014–11–98, 018–11–98, 011–11–98, and 012–11–98 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Difference Between Proposed Rule and Foreign AD's

The proposed AD would differ from the parallel CAA airworthiness directives in that it does not require the operator to submit the inspection results to the manufacturer. Because the manufacturer has provided a terminating action, the FAA has determined that reporting inspection results is not necessary. However, the operator at its discretion may choose otherwise.

Differences Between Proposed Rule and Service Bulletins

The compliance times proposed by this AD would differ from those specified by the most recent versions of the referenced service bulletins. Those revised service bulletins recommend a 9-month compliance time; the proposed AD would require a 6-month compliance time, which is the same as that required by the parallel CAA airworthiness directives. The FAA is not aware of any information that would justify a 9-month compliance time.

Cost Impact

The FAA estimates that 137 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 25 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $205,500, or $1,500 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Short Brothers PLC: Docket 99–NM–29–AD.

A*pplicability*: All Model SD3–30, SD3–60, SD3-SHERPA, and SD3–60 SHERPA series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engine mounting tube assembly, which could result in loss of the engine in flight, accomplish the following:

Inspections

(a) Within 6 months after the effective date of this AD, perform a detailed visual inspection of the taper pins of the engine mounting tube assembly for corrosion, in accordance with Shorts Service Bulletin SD330–71–23, dated November 20, 1998, or Revision 1, dated April 26, 1999 (for Model SD3–30 series airplanes); SD 3 SHERPA—71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–SHERPA series airplanes); SD360 SHERPA 71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 SHERPA series airplanes); or SD360–71–18, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 series airplanes); as applicable. If corrosion is found on any taper pin, prior to further flight, replace all three pins with new or serviceable pins, in accordance with the applicable service bulletin.

(b) Within 6 months after the effective date of this AD, perform a borescopic inspection of the internal surface of the engine mounting tubes and fittings for corrosion, in accordance with Shorts Service Bulletin SD330–71–23, dated November 20, 1998, or Revision 1, dated April 26, 1999 (for Model SD3–30 series airplanes); SD3 SHERPA—71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–SHERPA series airplanes); SD360 SHERPA 71–1, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 SHERPA series airplanes); or SD360–71–18, Revision 1, dated February 3, 1999, or Revision 2, dated April 26, 1999 (for Model SD3–60 series airplanes); as applicable.

(1) If no corrosion is found on the internal surface of the engine mounting tubes and fittings, no further action is required by this paragraph.

(2) If corrosion is found that is within the limits as defined in the applicable service bulletin, repeat the borescopic inspection thereafter at intervals not to exceed 6 months. Replacement of all corroded parts with new or serviceable parts in accordance with the applicable service bulletin constitutes terminating action for the repetitive borescopic inspections required by this AD.

(3) If corrosion is found that is outside the limits as defined in the applicable service bulletin, prior to further flight, replace the corroded parts with new or serviceable parts, in accordance with the applicable service bulletin.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with § § 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directives 014–11–98, 018–11–98, 011–11–98, and 012–11–98.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16332 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–11–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 series airplanes. This proposal would require replacement of the elevator auxiliary artificial feel unit (AFU) with a new elevator auxiliary AFU. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the elevator auxiliary AFU. Failure of an AFU, coupled with a control linkage disconnection, could result in reduced controllability of the airplane.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–11–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–11–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Dassault Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 series airplanes. The DGAC advises that, during an inspection, the bushing of the elevator auxiliary artificial feel unit (AFU), was found broken due to fatigue. The DGAC also advises that the elevator auxiliary AFU failure could affect the elevator neutral position return if linkage disconnection upstream of the servo actuator occurs. Such elevator auxiliary AFU failure, coupled with a control linkage disconnection, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Dassault has issued Service Bulletins F900–235, dated October 13, 1998 (for Model Mystere-Falcon 900 series airplanes), F900EX–88, dated October 20, 1998 (for Model Falcon 900EX series airplanes), and F2000–175, dated October 20, 1998 (for Model Falcon 2000 series airplanes). These service bulletins describe procedures for replacement of the elevator auxiliary AFU with a new elevator auxiliary AFU that has improved fatigue properties. Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 98–429–023(B) and 98–428–007(B), both dated November 4, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 186 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $33,480, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket 99–NM–11–AD.

Applicability: Model Mystere-Falcon 900, Falcon 900EX, and Falcon 2000 series airplanes, equipped with an elevator auxiliary artificial feel unit (AFU), part number 105045–10; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the elevator auxiliary AFU, coupled with a control linkage disconnection, which could result in reduced controllability of the airplane, accomplish the following:

Replacement

(a) Prior to the accumulation of 2,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, replace the elevator auxiliary AFU, part number 105045–10, with an elevator auxiliary AFU, part number 105045–13, in accordance with Dassault Service Bulletin F900–235, dated October 13, 1998 (for Model Mystere-Falcon 900 series airplanes); F900EX–88, dated October 20, 1998 (for Model Falcon 900EX series airplanes); or F2000–175, dated October 20, 1998 (for Model Falcon 2000 series airplanes); as applicable.

Spares

(b) As of the effective date of this AD, no person shall install an elevator auxiliary AFU, part number 105045–10, on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directives 98–429–023(B) and 98–428–007(B), both dated November 4, 1998.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16331 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–331–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 series airplanes and certain British Aerospace Model Avro 146–RJ series airplanes. This proposal would require repetitive eddy current inspections to detect fatigue cracking along the face of the retraction attachment boss in the nose landing gear sidewall; and corrective action, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil aviation authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking along the face of the retraction attachment boss in the nose landing gear sidewall, which could result in failure of the nose landing gear during takeoff and landing.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–331–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–331–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–331–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model BAe 146 series airplanes and certain British Aerospace Model Avro 146–RJ series airplanes. The CAA advises that it has received reports of fatigue cracking in the retraction jack attachment boss on the left-hand nose landing gear sidewall on several in-service aircraft, which in some circumstances has led to replacement of the sidewall. Such fatigue cracking, if not corrected, could result in failure of the nose landing gear during takeoff and landing.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.53–152, dated October 8, 1998, which describes procedures for repetitive eddy current inspections to detect cracking along the face of the retraction attachment boss in the nose landing gear sidewall, and repair, if necessary. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 015–10–98 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Proposed Rule and the Relevant Service Information

Operators should note that, although the service bulletin specifies that the manufacturer must be contacted for disposition of cracks, this proposal would require the repair of those cracks to be accomplished in accordance with a method approved by either the FAA, or the CAA (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the CAA would be acceptable for compliance with this proposed AD.

Interim Action

This is considered to be an interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 44 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,640, or $60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft (Formerly British Aerospace Regional Aircraft Limited, Avro International Aerospace Division; British Aerospace, PLC; British Aerospace Commercial Aircraft Limited): Docket 98–NM–331–AD.

Applicability: Model BAe 146 and Avro 146–RJ series airplanes, as listed in British Aerospace Service Bulletin SB.53–152, dated October 8, 1998, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking along the face of the retraction attachment boss in the nose landing gear sidewall, which could result in failure of the nose landing gear during takeoff and landing, accomplish the following:

Repetitive Inspection

(a) Prior to the accumulation of 8,000 total flight cycles, or within 200 flight cycles after the effective date of this AD, whichever occurs later, perform an eddy current inspection to detect cracking along the face of the retraction attachment boss in the nose landing gear sidewall, in accordance with British Aerospace Service Bulletin SB.53–152, dated October 8, 1998. Thereafter, repeat the eddy current inspection at intervals not to exceed 2,600 flight cycles.

Repair

(b) If any crack is detected, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directive 015–10–98.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16330 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–48–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes. This proposal would require replacement of the disc valve and spring in the low pressure non-return valve of the airborne ground check module (AGCM) of the ram air turbine (RAT). This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent malfunction of the low pressure non-return valve in the AGCM. If the RAT is being used due to the loss of other systems, a malfunction of the valve could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems of the airplane.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–48–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The Airbus Industrie service bulletin referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. The Sundstrand service bulletin referenced in the proposed rule may be obtained from Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125–7002. These service bulletins may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–48–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–48–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Industrie Model A320 series airplanes. The DGAC advises that, during two in-flight events and during one functional test of the airborne ground check module (AGCM) of the ram air turbine (RAT), a blockage of the low pressure check valve was observed. Investigation revealed that the blockage was caused by a malfunction of the low pressure non-return valve in the AGCM. If the RAT is being used due to the loss of other systems, the malfunction of the valve could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems of the airplane.

Explanation of Relevant Service Information

Airbus Industrie has issued Service Bulletin A320–29–1086, dated October 19, 1998, and Revision 01, dated March 9, 1999, which describes procedures for replacement of the disc valve and spring in the low pressure non-return valve of the AGCM of the RAT. This service bulletin references Sundstrand Service Bulletin ERPS13GCM–29–3, dated June 24, 1998, as an additional source of service information for accomplishment of the replacement.

Accomplishment of the action specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified the Airbus Industrie service bulletin as mandatory and issued French airworthiness directive 98–537–124(B), dated December 30, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the action specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 165 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,900, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99–NM–48–AD.

Applicability: Model A320 series airplanes, except those airplanes on which

Airbus Industrie modification 27728 has been installed in production, or on which Airbus Industrie Service Bulletin A320–29–1086 has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent malfunction of the low pressure non-return valve in the airborne ground check module (AGCM) of the ram air turbine (RAT), which could result in loss of the blue hydraulic system, and consequent loss of certain flight control and electrical systems, accomplish the following:

Replacement

(a) Within 12 months after the effective date of this AD, replace the disc valve and spring in the low pressure non-return valve in the AGCM with a new poppet, and re-identify the AGCM name plate, in accordance with Airbus Industrie Service Bulletin A320–29–1086, dated October 19, 1998, or Revision 01, dated March 9, 1999; and Sundstrand Service Bulletin ERPS13GCM–29–3, dated June 24, 1998.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 98–537–124(B), dated December 30, 1998.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16328 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–102–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes. This proposal would require a revision to the FAA-approved Airplane Flight Manual (AFM) to prohibit in-flight operation of the auxiliary power unit (APU). This proposal also would require inspection of the APU fire extinguisher discharge cartridge for corrosion, and replacement of the discharge cartridge with a new cartridge, if necessary; and modification of the fire extinguishing system tube assembly. Accomplishment of these actions would terminate the AFM revision. This proposal is promoted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct contamination of the APU fire extinguisher discharge cartridge, which could result in operational failure of the APU fire extinguisher.

DATES: Comments must be received by July 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–102–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 277–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–102–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–102–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 series airplanes. The LBA advises that, during maintenance of a Dornier Model 328–100 series airplane, the auxiliary power unit (APU) fire extinguisher could not be activated due to contamination of the discharge cartridge with fluids. The existing design of the fire extinguishing system does not allow for adequate fluid drainage. This condition, if not corrected, could result in operational failure of the APU fire extinguisher.

Explanation of Relevant Service Information

Dornier has issued Alert Service Bulletin (ASB–328–26–026, dated February 1, 1999, which describes procedures for prohibiting in-flight operation of the APU until accomplishment of an inspection of the APU fire extinguisher discharge cartridge and modification of the fire extinguishing system tube assembly. The service bulletin also describes procedures for inspection of the APU fire extinguisher discharge cartridge for corrosion, and replacement of the discharge cartridge with a new cartridge, if necessary; and modification of the fire extinguishing system tube assembly. The modification involves drilling a drain hole in the deepest point of the fire extinguishing system tube assembly. Accomplishment of the actions specified in the Dornier service bulletin is intended to adequately address the identified unsafe condition. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 1999–057, dated February 24, 1999, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany and is type certified for

operation in the United States under the provisions of § 21.219 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of this situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously. The proposed AD also would require a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit in-flight operation of the APU.

Cost Impact

The FAA estimates that 46 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed revision to the AFM, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revision proposed by this AD on U.S. operators is estimated to be $2,760, or $60 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection and modification, at an average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection and modification proposed by this AD on U.S. operators is estimated to be $2,760, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dornier Luftfahrt GmbH: Docket 99–NM–102–AD.

Applicability: Model 328–100 series airplanes, as listed in Dornier Alert Service Bulletin ASB–328–26–026, dated February 1, 1999, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct contamination of the auxiliary power unit (APU) fire extinguisher discharge cartridge, which could result in operational failure of the APU fire extinguisher, accomplish the following:

Airplane Flight Manual Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Dornier 328–100 Airplane Flight Manual (AFM), Supplement 001, to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''In-flight operation of the APU is prohibited.''

Inspection and Modification

(b) Within 2 months after the effective date of this AD, accomplish the actions specified in paragraphs (b)(1) and (b)(2) of this AD in accordance with Dornier Alert Service Bulletin ASB–328–26–026, dated February 1, 1999. After accomplishment of those actions, the AFM revision required by paragraph (a) of this AD may be removed, except as provided by paragraph (b)(1)(ii) of this AD.

(1) Inspect the APU fire extinguisher discharge cartridge for signs of corrosion.

(i) If no corrosion is detected, prior to further flight, clean and dry the discharge cartridge for re-installation.

(ii) If any corrosion is detected, prior to further flight, replace the discharge cartridge with a new part; except, if a new part is not available, the discharge cartridge may be re-installed and the AFM revision required by paragraph (a) of this AD may NOT be removed.

(2) Modify the fire extinguishing system tube assembly by drilling a drain hole.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The inspection, replacement, and modification requirements of this AD are addressed in German airworthiness directive 1999–057, dated February 24, 1999.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16327 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Proposed Modification of the Salt Lake City Class B Airspace Area, UT; Public Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This notice announces three fact-finding informal airspace meetings. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on the proposal to modify the Salt Lake City Class B Airspace Area. All comments received during these meetings will be considered prior to any revision or issuance of a notice of proposed rulemaking.

DATES: *Meetings.* These informal airspace meetings will be held on Thursday, August 26, at 7:00 pm; Wednesday, September 1, at 7:00 pm; and Thursday, September 16, at 7:00 pm. Comments must be received on or before October 31, 1999.

ADDRESSES: On August 26, 1999, the meeting will be held at the Ogden-Hinckley Airport in the Terminal Building Lobby; the September 1 meeting will be held at Utah Valley State College, Science Building Room 202, Orem, UT; and the September 16 meeting will be held at the Westminster College, Gore School of Business Auditorium 1840 South 1300 East, Salt Lake City, UT.

Comments: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Federal Aviation Administration, 1601 Lind Avenue, Renton, WA 98055–4056.

FOR FURTHER INFORMATION CONTACT: George Orr, Air Traffic Division,ANM–520, FAA, Northwest Mountain Regional Office, telephone (425) 227–2530.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) These meetings will be informal in nature and will be conducted by a representative of the FAA Northwest Mountain Region. A representative from the FAA will present a formal briefing on the proposed airspace classification changes. Each participant will be given an opportunity to deliver comments or make a presentation.

(b) These meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) These meetings will not be formally recorded.

Agenda for the Meetings

Opening Remarks and Discussion of Meeting Procedures.

Briefing on Background for Proposals.

Public Presentations.

Closing Comments.

Issued in Washington, DC, on June 22, 1999.

Joseph C. White,

Acting Manager, Airspace and Rules Division.

[FR Doc. 99–16406 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 254

[Docket No. OST–1996–1340, formerly Docket 41690]

RIN 2105–AC07

Domestic Baggage Liability

AGENCY: Office of the Secretary, DOT.

ACTION: Supplemental Notice of Proposed Rulemaking (SNPRM).

SUMMARY: The Department is proposing to amend its rule governing the amount to which certain U.S. air carriers may limit their liability to passengers for lost, damaged, and delayed baggage in interstate and overseas air transportation. This action continues the proceeding initiated by a petition from Public Citizen and Aviation Consumer Action Project to increase the minimum domestic baggage liability limit. This SNPRM reports and evaluates aggregate baggage data submitted by certain air carriers in response to the Department's 1994 NPRM and responds to comments received from various parties subsequent to the issuance of the NPRM. DOT now requests comment on raising the minimum liability limit to $2,500 with a mechanism that would provide for periodic updates every two years.

DATES: Comments are requested by August 27, 1999; late-filed comments will be considered only to the extent practicable.

ADDRESSES: Address comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh Street, SW., PL–401, Washington, D.C. 20590–0001. Comments should identify the docket number and two copies should be submitted. Persons wishing to receive confirmation of receipt of their written comments should include a self-addressed, stamped postcard. The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. Public dockets may be reviewed there between the hours of 9:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. Comments also may be reviewed on-line at the DOT Dockets Management System web site, http://dms.dot.gov/.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of Regulation and Enforcement, Office of General Counsel, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–9306.

SUPPLEMENTARY INFORMATION:

Background

Lost, damaged and delayed baggage ranks as one of the top sources of aviation consumer complaints filed with the Department of Transportation and is a major source of consumer dissatisfaction. In the Air Travel Consumer Report published by the Department, major U.S. air carriers reported the following number of domestic mishandled-baggage reports per year:

Year	Number of mishandled baggage reports
1993	2,282,903
1994	2,321,524
1995	2,227,599

Year	Number of mishandled baggage reports
1996	2,460,487
1997	2,278,841
1998	2,484,841

14 CFR Part 254 sets forth the minimum level for permissible limitations of air carrier liability for loss, damage or delay in the carriage of passenger baggage in domestic air transportation. The rule applies to both charter and scheduled service. It provides, ''[i]n any flight segment using large aircraft [any aircraft designed to have a maximum passenger capacity of more than 60 seats], or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than $1,250 for each passenger.''

In addition, Part 254 requires a carrier to provide certain types of notice to passengers. It provides, ''[i]n any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall provide to passengers, by conspicuous written material included on or with its ticket, either: (a) notice of any monetary limitation on its baggage liability to passengers; or (b) the following notice: ''Federal rules require any limit on an airline's baggage liability to be at least $1,250 per passenger.''

The amount of the minimum liability limit was last amended by a final rule (ER–1374, 49 FR 5065, February 10, 1984), issued by the Civil Aeronautics Board (CAB) before its ''sunset,'' in 1984. The $1,250 figure was calculated based upon the percentage increase in the ''Consumer Price Index for all Urban Consumers'' (CPI–U) between the date of the previous amendment in May 1977 and September 1983. When setting the limit, the CAB attempted to balance the amount necessary to cover the value of passengers' baggage while still allowing the air carriers to protect themselves from extraordinary claims.

Petition for Rulemaking

On December 21, 1993, Public Citizen and Aviation Consumer Action Project (ACAP) petitioned the Department to raise the minimum limit to $1,850, which was calculated by factoring in the increase in the CPI–U from the previous amendment of September 1983 and compensating for inflation changes until the implementation of the final rule (estimated to be one year from the date of the petition). In support of the formula, ACAP conducted a study that concluded that the CPI–U increase was a good proxy for the price increases for specific consumer goods cited in the study. ACAP stated that, if the rulemaking process proceeded past one year or if the inflation rate changed unexpectedly during this time, the Department should recalculate a new figure using the same methodology.

The NPRM

On September 30, 1994, in response to ACAP's petition, the Department issued an NPRM, requesting comment on three proposals (59 FR 49868). First, based on a 46.4 percent increase in the CPI–U calculated from September 1983 until April 1994, the Department proposed to raise the limit to ACAP's proposal of $1,850. The Department stated that this calculated figure should compensate passengers based on the present value of money and constructively influence air carriers to remedy the causes of baggage problems. To assess the economic effects of this figure on the industry, air carriers were requested to submit annual data on 1993 domestic baggage claims, specifically: (1) The total number of domestic baggage claims (defined in the NPRM) for reimbursement and the total amount claimed (i.e., the amount that the claimants requested); (2) the total amount paid by the carrier in settling those claims; and (3) the number and total dollar amount of claims that exceeded $1,250, and the number and total dollar amount that exceeded $1,850.

As additional alternatives, the Department proposed: (1) To raise the minimum limit to $1,850 with a mechanism that automatically provides for periodic future increases, or (2) to raise the minimum liability limit to $2,000. The first alternative proposal would have provided for an automatic increase of the minimum liability limit every other year based on changes in the CPI–U. DOT asked commenters on the first alternative proposal to address the administrative burden on the airline industry of a periodic update, evaluate current technology, and state their opinions concerning the best method of notice for each rate change. Commenters on the second alternative proposal were asked to focus on the benefits of a fixed minimum liability limit in terms of advance planning and administrative costs. Finally, the Department asked for comment on several proposed time frames for the implementation of the final rule and future automatic adjustments, taking into account ticket stock procurement procedures in the industry. The Department suggested that the new minimum dollar limit go into effect 30 days after issuance of the final rule, but that the revised notice requirement be implemented 60 days after the final rule is issued. In conjunction with these proposals, the Department asked the public and the industry to consider and address several options, such as electronic tickets, a ticket addendum, and ticket stickers. If the automatic adjustment proposal were selected, the Department requested comment on whether a 30-day effective date would be sufficient for future adjustments. Comments and baggage data were due on November 29, 1994.

Request for Extension of Comment Period

On November 10, 1994, the Air Transport Association (ATA) asked for an extension of the November 29, 1994 deadline. ATA requested that the baggage data be published in aggregate form and asked for the comment period to be extended to 60 days after the Department publishes the aggregate baggage data in the docket. ATA cited a critical need for sufficient time for the public to analyze and comment on the baggage data, as well as the need for the Department to fulfill its procedural responsibilities and make a decision based on the most complete information. In response, the Department partially granted ATA's request. The Department stated in a document issued in the **Federal Register** (59 FR 60926, November 29, 1994) that carrier data would be due November 29, 1994 and the aggregated information would be published in the docket, followed by a 30-day comment period.

Comments Received

Comments were received from American Trans Air, Atlantic Southeast Airlines, North American Airlines, Michael Kees, and ACAP. The three air carriers agreed that the minimum liability limit should not exceed $2,000. North American believed that the limit should not be adjusted at all, because the excess liability is covered through excess value insurance offered by airlines for a fee, homeowners insurance, or supplemental baggage coverage provided by some credit cards. If the minimum level is raised, North American claimed carriers would be forced to devote more financial resources to paying and scrutinizing claims, resulting in higher fares. North American believed that carriers

themselves should set the minimum level based on market forces and consumer choice. Additionally, North American stated that if the level were raised, the level should not exceed $1,600. It argued that that the all-item index of the CPI–U no longer realistically reflects changes in individual indices, such as apparel. (The Department interprets this comment as saying that the all-item CPI–U index is disproportionately influenced by particular items other than items that passengers would normally pack in their baggage when flying domestically, such as food and gas.) North American proposed that the methodology utilize the lower apparel index, rather than the higher CPI–U all-item index. North American objected to the automatic adjustment proposal, claiming that the rate for baggage mishaps only increased slightly from the last rate amendment and that the NAFTA and GATT agreements might affect future apparel index ratings.

American Trans Air favored a fixed liability limit of $2,000 and 90 days advance notice before implementation of a final rule.

ASA stated that the Department's claim that a low liability limit will simply prompt the air carriers to pay damages rather than fix their baggage system is a ''disservice'' to the industry. It argued that because baggage claims result in profit erosion and customer dissatisfaction, air carriers have operational incentives to improve baggage service and do not need monetary incentives from liability limitations. For example, ASA noted that airlines are purchasing and using enhanced baggage tracing systems. ASA believed that a comparison should be made to the passenger bus and rail industries, which have kept their liability limits relatively low in comparison to the air carrier industry. ASA also believed that an $1,850 minimum limit is not necessary because of supplemental insurance offered to the passenger by credit card companies, air carriers and homeowner policies for a modest premium. ASA objected to the proposal for regular future increases, stating that the periodic-increase provision is not applied to other transportation modes and is costly and burdensome, especially to smaller carriers that cannot invest as heavily in cost-saving technology. Finally, ASA suggested that an increase in the liability limit would place air carriers at risk for an increasing number of fraudulent baggage claims.

Mr. Michael Kees, a passenger affected by baggage problems, believed that the limit should be raised to $2,500. Alternatively, he also proposed adding an unlimited-compensation provision, enabling passengers to replace lost items at current costs. Mr. Kees believed it is unfair to compel passengers who want additional insurance to utilize their homeowners policy. According to this commenter, a passenger should not have to pay a deductible and file a claim with the passenger's insurance policy because of the actions of an air carrier.

The Department also received confidential 1993 baggage data from American Airlines, American Trans Air, Atlantic Southeast Airlines, Delta Air Lines, Northwest Airlines, Southwest Airlines, United Airlines, USAir (now US Airways), and Trans World Airlines. Although the carriers' individual data are confidential, the aggregated industry data are not. The air carriers were asked to send data responding to: (1) The total number of domestic baggage claims for reimbursement and the total amount claimed; (2) the total amount paid by the carrier in settling those claims; and (3) the number and total dollar amount of such claims that exceeded $1,250, and the number and total dollar amount that exceeded $1,850. The Department offered the opportunity to air carriers through their industry groups to submit updated material on June 12, 1998. No updates were provided. As a result, the Department will proceed with reporting baggage data submitted in 1993. Because some air carriers did not submit data for certain categories, the Department can only report limited information. In 1993, the submitting air carriers reported 819,480 baggage claims for reimbursement. Reimbursement claims that exceeded $1,250 constituted 3.2% of the aggregate baggage claim total and reimbursement claims that exceeded $1,850 constituted 1.4% of this total, according to the carriers.

Second ACAP Petition

ACAP submitted an updated petition on May 1, 1998, requesting that the Department raise the minimum domestic baggage liability level to $2,100. ACAP calculated a $2,005.47 limit using the CPI–U index, with an additional $94.53 that provides an incentive for the airlines to provide improved baggage facilities and services.

The Current Proposal

After reviewing the comments and baggage data, the Department now proposes to increase the minimum domestic baggage liability limit to $2,500. This figure is based on the Administration's ''Airline Passenger Fair Treatment Initiative,'' as well as the minimum liability limitation being considered by Congress in H.R 780. This figure was based on doubling the current $1,250 regulatory minimum liability limitation and reflects both the Administration's and a Congressional judgment about fairness and the current value of some claims.

Future increases would be based on any increase to the Consumer Price Index for all Urban Consumers from the time the final rule in this proceeding is issued. The Department believes the CPI–U is a proper measuring tool for price changes. The CPI–U is an index of price change, reflecting spending patterns for approximately 80% of the total U.S. population. The index encompasses expenditures reported by persons living in urban areas, including professional employees, the self-employed, the poor, the unemployed, retired persons, urban wage earners, and clerical workers. The CPI–U is considered by many to be the best measure for adjusting payments to consumers when the payer's intent is to allow the consumer to purchase the same items in current dollars. The index includes all goods for consumption by urban households and reflects sales tax. The apparel index, which was advocated by North American, does not accurately represent the wide variety of items passengers pack in their luggage. Because of the impossibility of identifying an individual index covering all items in a traveler's checked baggage, the aggregate CPI–U index is the best indicator.

In order to keep the liability limitation current, the Department would review the Consumer Price Index for All Urban Consumers every two years following the issuance of a final rule in this proceeding. The minimum baggage liability limitation would be increased, if necessary, based on the July CPI–U rounded to the nearest $100 for simplicity. Under this process, the Department would publish a final rule in the **Federal Register** in early fall of the second year following the previous amendment. Because this would be a mathematical computation of the CPI–U on the liability limit in accordance with this proposed rule, the Department would not need to publish a proposed rule first. The liability limitation and the revised notice requirement would be effective on the following January 1. We are proposing January 1 for simplicity and to tie in with publication cycle of Title 14 of the *Code of Federal Regulations*. Consequently, if this rule is issued in 1999, the first adjustment would be calculated in 2001 and would go into effect on January 1, 2002.

The Department believes that these biyearly adjustments are in the public

interest because they will keep the liability limitation in line with inflation. This is particularly important in light of decreasing opportunities for passengers to carry luggage into the cabin. In addition, this periodic update is consistent with a similar recent statutory requirement, the Federal Civil Penalties Inflation Adjustment Act of 1990 amended by the Debt Collection Improvement Act of 1996.

In September of 1983, when the $1,250 rule was issued, the CPI–U was 100.7. The May 1999 CPI–U is 166.2. If the current limitation were adjusted solely based on the change in the CPI–U during this period, the minimum baggage liability limitation would be $2,063, and likely higher before the final rule is issued. Although we are proposing to raise the baseline to $2,500, we note that the two numbers are very close.

The escalator provision we are proposing today would use the most recent CPI–U figure that is available at the time the final rule is issued as the baseline. For clarity, we would state exactly what that number is. The formula for these biyearly increases would be as follows:

1x (a–b)/(b) x ($2,500)

a= July CPI–U of year of new adjustment

b= the most current CPI–U figure when final rule is issued

[The numerical result would be rounded to the nearest $100.]

Regulatory Analyses and Notices

The Department has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. A regulatory evaluation that examines the projected costs and impacts of the proposal has been placed in the docket.

The Department certifies that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. There were no comments on small entity impacts in response to the NPRM. By its express terms, the rule only applies to flight segments using large aircraft, or on any flight segment that is included on the same ticket as another flight segments that uses large aircraft. Few, if any, air carriers operating large aircraft would qualify as small entities. The rule could apply to some air carriers that might be considered small entities to the extent that they interline or codeshare with large air carriers. Based on our analysis, we do not believe this rule would have a significant economic impact because most claim payments are currently well below $1,250. Aggrieved passengers still need to document their loss and are not automatically entitled to compensation at the higher level. Nevertheless, the Department seeks comment on whether there are further unidentified small entity impacts that should be considered. If comments provide information that there are significant small-entity impacts, the Department will prepare a regulatory flexibility analysis at the final rule stage. The Department does not believe that there would be sufficient federalism implications to warrant the preparation of a federalism assessment. The proposal would not result in an unfunded mandate.

List of Subjects in 14 CFR Part 254

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, the Department proposes to amend 14 CFR part 254, as follows:

PART 254—DOMESTIC BAGGAGE LIABILITY

1. The authority citation for part 254 would be revised to read as follows:

Authority: 49 U.S.C. 40113, 41501, 41504, 41510, 41702, and 41707.

§ 254.1 [Amended]

2. In § 254.1, the phrase ''and overseas'' would be removed and the phrase ''and intrastate'' would be added in its place.

§ 254.2 [Amended]

3. In § 254.2, the phrase ''or overseas'' would be removed and the phrase ''or intrastate'' would be added in its place.

4. Section 254.4 would be revised to read as follows:

§ 254.4 Carrier liability.

On any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than $2,500 for each passenger.

§ 254.5 [Amended]

5. In § 254.5(b), the amount ''$1250'' would be revised to read ''$2,500''.

6. Section 254.6 would be added to read as follows

§ 254.6 Periodic adjustments.

The minimum limit of liability prescribed in this part will be reviewed every two years by the Department of Transportation based on changes in the Consumer Price Index for All Urban Consumers. The Consumer Price Index for All Urban Consumers as of July will be used to calculate the revised liability limit pursuant to the following formula:

1x (a–b/b) × ($2,500) rounded to the nearest $100

Where:

a= July CPI–U of year of current adjustment.

b= The most current CPI–U figure when final rule is issued.

Issued in Washington, DC on June 17, 1999, under authority delegated by 49 CFR 1.56a(h)2.

A. Bradley Mims,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 99–15962 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–62–P

FEDERAL TRADE COMMISSION

16 CFR Part 312

Children's Online Privacy Protection Rule

AGENCY: Federal Trade Commission.

ACTION: Public workshop on proposed regulations implementing the Children's Online Privacy Protection Act.

SUMMARY: On April 27, 1999, the Commission published a **Federal Register** document seeking public comments on its proposed regulations under the Children's Online Privacy Protection Act. As part of its review of the issues raised by the comments in preparation for publishing final regulations, the Commission has scheduled a public workshop to obtain additional comment regarding the issue of appropriate mechanisms for obtaining verifiable parental consent under the regulations. Today's **Federal Register** document outlines the topics to be discussed at the workshop and the procedures to be followed by those who wish to participate in the workshop.

DATES: Requests to participate in the workshop must be submitted by July 6, 1999. The workshop will be held on July 20, 1999, at the Commission's headquarters at 600 Pennsylvania Ave., NW., Washington, DC.

ADDRESSES: All requests to participate should be sent either to the Office of the Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or by e-

mail to <*childprivacy@ftc.gov*>. Requests should include the requestor's name, affiliation, if any, address, telephone number and, if available, FAX number and e-mail address. All requests should be captioned ''Children's Online Privacy Protection Rule—FTC File No. P994504.''

FOR FURTHER INFORMATION CONTACT: Toby Milgrom Levin, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, telephone 202–326–3156, e-mail <*tlevin@ftc.gov*>; Loren G. Thompson, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, telephone 202–326–2049, e-mail <*lthompson@ftc.gov*>; or Jill Samuels, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, telephone 202–326–2066, e-mail <*jsamuels@ftc.gov*>.

SUPPLEMENTARY INFORMATION:

I. Background

On April 20, 1999, the Commission issued proposed regulations implementing the Children's Online Privacy Protection Act (COPPA), 64 FR 22750, April 27, 1999. Of particular importance is the COPPA requirement that, with certain exceptions, websites obtain ''verifiable parental consent'' before collecting, using, or disclosing personal information from children. Section 312.5 of the proposed rule sets forth this requirement along with the following performance standard:

> An operator must make reasonable efforts to obtain verifiable parental consent, taking into consideration available technology. Any method to obtain verifiable consent must be reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent. (64 FR 22756)

In its discussion of this section, the Commission identified a number of methods an operator might use to obtain verifiable parental consent, including a print-and-send form signed by the parent and mailed or faxed to the website; a credit-card transaction initiated by the parent; a call made by the parent to a toll-free number; or an e-mail accompanied by the parent's valid digital signature. The Commission also solicited comment on whether there are other e-mail based mechanisms that could provide sufficient assurance that the person providing consent is the child's parent. (64 FR 22756, 22762)

The Commission received over 120 comments on the proposed regulations.[1] A significant number of those comments addressed the issue of verifiable parental consent. The Commission has concluded that a workshop will afford Commission staff and interested parties an opportunity to explore appropriate mechanisms for obtaining verifiable parental consent. The Commission will consider the views and suggestions made during the workshop, in addition to the written comments received, in formulating its final regulations on this topic.

II. Date, Time and Location of Workshop

The one-day workshop will be held in the FTC headquarters building, 600 Pennsylvania Avenue, NW., Washington, DC, on July 20, 1999.

III. Workshop Sessions

The workshop will be divided into three sections designed to elicit further information regarding mechanisms for verifiable parental consent. The first session will be a discussion of websites' actual experiences with regard to obtaining ''verifiable parental consent.'' The second session will explore the availability and adequacy of e-mail based mechanisms designed to provide verifiable parental consent. The third session will examine other technologies and services that are available or under development to implement the verifiable parental consent requirement.

Session I: What methods are websites currently using to obtain ''verifiable parental consent?''

(a) Do these methods comply with the requirements of the statute and the proposed rule for verifiable parental consent, i.e., do they provide sufficient assurance that the person providing the consent is the child's parent?

(b) What are the costs and/or benefits to parents and to websites of these methods?

Session II: Do e-mail based mechanisms comply with the requirements of the statute and the proposed rule for verifiable parental consent, i.e., do they provide sufficient assurance that the person providing the consent is the child's parent?

(a) What e-mail based products or services are currently available or under development that websites could use to obtain verifiable parental consent?

(b) What are the cost and/or benefits to parents and to websites of such products or services?

Session III: Are these examples of other technologies, products, or services that websites can use to obtain verifiable parental consent?

(a) What other technologies, products, or services are available or under development that websites could use to obtain verifiable parental consent?

(b) What are the costs and/or benefits to parents and to websites of such products or services?

IV. Request To Participate

Parties interested in participating in the workshop must file a request to participate by July 6, 1999. The request should specify the workshop sessions in which the requester seeks to participate. Parties who wish to participate in the workshop but did not submit written comments should submit a short statement of their views. If the number of parties who request to participate in the workshop is so large that include all requesters would inhibit effective discussion among the participants, Commission staff will select as participants a limited number of parties to represent the relevant interests. Selection will be based on the following criteria:

1. The Party submitted a request to participate by July 6, 1999.

2. The party's participation would promote the representative of a balance of interests at the workshop.

3. The party's participation would promote the consideration and discussion of the issues presented in the workshop.

4. The party has expertise in issues raised in the workshop.

5. The party adequately reflects the view of the affected interest(s) which it purports to represent.

If it is necessary to limit the number of participants, those who requested to participate but were not selected will be afforded an opportunity, if at all possible, to present statements during a limited time period at the conclusion of one or more sessions. The time allotted for these statements will be based on the amount of time necessary for discussion of the issues by the selected parties, and on the number of persons who wish to make statements.

Requesters will be notified as soon as possible after July 6, 1999 if they have been selected to participate.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 99–16399 Filed 6–25–99; 8:45 am]

BILLING CODE 6750–01–M

[1] The comments are available for viewing at the Commission's headquarters, 600 Pennsylvania Ave., NW., Room 130, Washington, DC 20580. They are also available on the Commission's website at <http://www.ftc.gov>.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14; Withdrawal of Proposed Revocation of Amendments

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission withdraws its proposed revocation of certain amendments to the standards for the flammability of children's sleepwear, sizes 0 through 6X and sizes 7 through 14. As directed by the fiscal year 1999 appropriations legislation for the Departments of Veterans Affairs and Housing and Urban Development, and several independent agencies, including the Consumer Product Safety Commission, the Commission previously proposed to revoke the sleepwear amendments. In accordance with the appropriations legislation, the Commission has considered all relevant comments and information and has determined not to revoke the amendments. Elsewhere in this issue of the **Federal Register** the Commission is modifying the amendments to require that tight-fitting sleepwear bear a label and hangtag informing consumers that the garments should fit snugly. Also in this issue of the **Federal Register** the Commission corrects some misidentified references in the amendments. In that notice the Commission is also clarifying the definition of infant garments.

DATES: The proposed rule is withdrawn on June 28, 1999.

FOR FURTHER INFORMATION CONTACT: Marilyn Borsari, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0400, extension 1370.

SUPPLEMENTARY INFORMATION:

A. The Decision

After considering reports issued by the General Accounting Office and available information and comments, the Commission has decided to withdraw the January 19, 1999 proposed revocation of exemptions from the Commission's sleepwear standards. As explained in detail below, the Commission believes the reasons for the exemptions remain sound.[1] In a separate notice published elsewhere in the **Federal Register**, the Commission is issuing a rule modifying the 1996 amendments to require labeling and hangtags on tight-fitting sleepwear.[2] The labels and hangtags will inform consumers that these garments are intended to be worn with a snug fit for safety. Also in this issue of the **Federal Register** the Commission corrects some misidentified references in the amendments.[3]

B. Background

1. The Original Standards

Since the 1970's there have been federal flammability standards to protect children whose sleepwear becomes ignited by a small open flame. The Department of Commerce (''DOC'') issued the flammability standard for children's sleepwear in sizes 0 through 6X (16 CFR Part 1615) in 1971. The Consumer Product Safety Commission issued the flammability standard for children's sleepwear in sizes 7 through 14 (16 CFR Part 1616) in 1974.

Both of these standards were issued under section 4 of the Flammable Fabrics Act (''FFA''), which authorizes flammability standards for a fabric, related material or product when necessary to ''protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.'' 15 U.S.C. 1193(a).

When the DOC issued the original standard in 1971, it relied upon reports of cases in which people suffered burns from such activities as cooking, smoking, burning trash, lighting furnaces, and while children were playing with matches and lighters or contacting stove burners. (DOC Analysis of Data from Apparel Burn Cases for Children's Sleepwear Standard DOC PFC 3–70.) The flammability test that DOC issued focused on burns resulting from these kinds of ignitions. It was not intended to address all fires in which sleepwear happened to burn. For example, the DOC excluded incidents involved wearing apparel contaminated by flammable liquids when developing the standard because of the variability and complexities involved. Rather, the purpose was to ''provide a high and effective level of protection to children approximately 5 years of age and younger against unreasonable risk of death or injury suffered as a result of ignition and continued burning of sleepwear garments.'' 36 FR 14063 (July 29, 1971).

Once the Commission was established it took over administration of the FFA and standards set under it. 15 U.S.C. 2079(b). In 1974, the Commission issued a flammability standard for children's sleepwear in sizes 7–14. 39 FR 15210. This standard was nearly identical to the standard for smaller sized sleepwear.

Under both standards a specimen is exposed for 3 seconds to a small open flame ignition source that resembles the type of flame that would result from a child playing with matches or a lighter. The specimens must self-extinguish, that is, they must stop burning when the ignition source is removed. 16 CFR 1615.3 and 1616.3. Seams and trim of sleepwear garments must also pass this test.

This is a performance test and does not require or prohibit any type of fabric or mandate any flame-retardant treatment. Due to the characteristics of certain fabrics, however, untreated cotton fabrics generally will not pass the flammability test while some synthetic ones do.

The standards apply to ''children's sleepwear,'' which before the exemptions was defined as ''any product of wearing apparel'' in the sizes covered by the standard ''such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping.'' The standards exclude diapers and underwear. 16 CFR 1615.1(a) and 1616.2 (a). The definition has long engendered questions of what garments are intended for sleeping or related activities.(59)[4]

2. The Exemptions

In the 1990's the Commission began considering whether the standards could be amended so that close-fitting sleepwear could be made out of cotton without increasing the risk of fire with such garments. The Commission started this inquiry for several reasons. The staff noticed increased marketing of non-sleepwear to be used for sleeping, particularly cotton long underwear-syle garments. This marketing was confusing for consumers and Commission staff as the line between sleepwear and underwear (daywear) became increasingly blurred.(6) The Commission staff developed

[1] The Commission voted to withdraw the proposed revocation by two to one. Commissioners Mary Gall and Thomas Moore voted in favor of withdrawal while Chairman Ann Brown voted against it.

[2] Commissioners Mary Gall and Thomas Moore voted to require labeling. Chairman Ann Brown abstained.

[3] Commissioners Mary Gall and Thomas Moore voted to issue the corrections. Chairman Ann Brown abstained.

[4] Numbers in parentheses refer to documents in the List of Relevant Documents at the end of this notice.

enforcement guidelines to try to distinguish between sleepwear and non-sleepwear garments. However, frequent fashion changes required numerous revisions of these guidelines. The Commission staff believed that this confusion was difficult both for consumers attempting to put their children in suitable sleeping garments and for Commission staff trying to enforce the existing standard.

Moreover, the Commission staff was concerned that to the extent consumers were turning to long underwear-style cotton garments to satisfy a desire for cotton sleepwear, this could be placing children at an increased risk of injury. The Commission staff believed that, without reducing safety, specific exemptions from the standards could respond to marketing practices responding to consumer demands for cotton, and reduce market confusion and compliance and enforcement problems.

The Commission published an advance notice of proposed rulemaking (''ANPR'') on January 13, 1993 that began the process of amending the children's sleepwear standards. 58 FR 4111. The ANPR discussed the regulatory alternatives being considered and stated that the Commission could amend the standards to exempt tight-fitting sleepwear and garments intended for infants. The ANPR discussed existing standards and requested comments. On the same date the Commission published the ANPR it also issued a stay of enforcement stating that it would not enforce the sleepwear requirements against garments being used as sleepwear that are labeled and marketed as underwear if those garments are skin-tight or nearly skin-tight, relatively free of ornamentation, and made from fabrics such as rib knit, interlock knit or waffle knit. 58 FR 4078.

In response to the ANPR the Commission received 2,173 comments. The comments were overwhelmingly in favor of the exemption (2,121 in favor, 52 opposed). Many of these responses were form letters. Many letters came from parents who wanted to have cotton sleepwear for their children.(8)

The Commission continued its consideration, and on October 25, 1994 issued a notice of proposed rulemaking (''NPR'') proposing to exempt tight-fitting garments and infant garments from the sleepwear standards.(22) The Commission proposed to do this by amending the definition of ''children's sleepwear'' in the standards. For purposes of the proposed exemption, ''infant garments'' were defined as those labeled 0–6 months; less than 21 inches in length (for a one piece garment) or with no pieces longer than 14½ inches (for a two piece garment); and less than 19 inches at the chest. ''Tight-fitting garments'' were defined by specifying maximum dimensions for the chest, waist, seat, upper arm, thigh, wrist and ankle for each size. These dimensions were based on ASTM standards and an anthropometric study of children conducted in 1977 by the University of Michigan. 59 FR 53621. All exempt garments would still have to meet the flammability standards for clothing textiles and vinyl plastic film (16 CFR parts 1610 and 1611). The Commission considered the 39 comments it received in response to the NPR as well as the views expressed in a public meeting held on April 25, 1995 attended by sleepwear manufacturers and importers, consumers and other interested persons.

On September 9, 1996, the Commission issued a final rule amending the flammability standards for children's sleepwear to exclude from the definition of ''children's sleepwear,'' (1) infant garments sized 9 months or smaller, and if a one piece garment, does not exceed 25.75 inches in length; if a two-piece garment, has no piece exceeding 15.75 inches in length, and (2) tight-fitting garments sized larger than 9 months (meeting maximum dimensions specified for each size). 61 FR 47634. The Commission stated that the amendments would take effect on January 1, 1997. The Commission also continued the stay of enforcement on certain underwear garments until March 9, 1998 (it was subsequently extended until June 9, 1998). 61 FR 47412.

Once manufacturers began to design sleepwear that would meet the tight-fitting exemption they encountered some design and construction problems. The staff met with industry members to discuss these problems. The Commission proposed (63 FR 27877) and then on January 19, 1999 issued in final (64 FR 2833), technical amendments to adjust the points of measurement for the upper arm, seat and thigh to make a more practical, wearable garment and to clarify how the sleeve must taper. The Commission also clarified its policy statements so that infant garments and tight-fitting garments could be marketed and promoted with other sleepwear. 64 FR 2832.

3. Legislation and Proposed Revocation

On October 21, 1998, Congress enacted fiscal year 1999 appropriations for the Commission. Public Law 105–276. Section 429 of that law required the Commission to propose to revoke the 1996 amendments to the sleepwear standards. The law also required the General Accounting Office (''GAO'') to review burn incident data from the ignition of children's sleepwear from small open-flame sources for the period July 1, 1997 through January 1, 1999. As required by the legislation, GAO completed this review by April 1, 1999. The Conference Report also directed GAO to assess the information and education campaign conducted by industry and the Commission (H.R. Rep. No. 769, 105th Cong., 2d Sess. 267 (1998)). The appropriations measure requires the Commission to issue a final rule revoking, maintaining or modifying the 1996 amendments and any later amendments by July 1, 1999. The Commission must consider and substantively address the findings of the GAO and other information available to the Commission. Congress specified that the rulemaking conducted with respect to this matter is not subject to (1) the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, (2) the Flammable Fabrics Act, 15 U.S.C 1191 *et seq.*, (3) the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, (4) the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, (5) the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, or (6) any other statute or Executive order.

As directed, on January 19, 1999, the Commission issued a notice proposing to revoke the September 9, 1996 amendments, and subsequent amendments, including the technical amendments and the amendment to the policy statements. 64 FR 2867. The Commission received over 3,400 comments responding to the proposed revocation. These comments and the Commission's responses to the principal issues they raised are discussed in section G below. Although not required by the appropriations measure, the Commission held a public hearing on April 22, 1999, for interested persons to present their views on the proposed revocation orally. Twenty-one people provided testimony.

The Commission has considered GAO's reports, written comments submitted in response to the proposed revocation, oral testimony before the Commission, and other available information and has determined to maintain the exemptions. The basis for this decision is discussed below.

C. The Basis for the Exemptions Still Stands

The comments and testimony indicate that people appear to have the false impression that the 1996 amendments abolished all standards for sleepwear. In fact, the Commission's action was narrowly tailored. The Commission's

review of research and injury data indicates that the principal risk from sleepwear is posed by loose-fitting garments. The sleepwear standard continues to cover these types of garments. They must pass the standard's flammability test, that is, they must self-extinguish when exposed to a small open flame. Thus, the flammability standards still cover nightgowns and looser fitting pajamas and robes—the types of sleepwear most often involved in clothing-ignited fires.

Considerable confusion also exists concerning the purpose of the flammability standards and their ability to reduce injuries and deaths due to fires. The original flammability standard was intended to address fires in which clothing was ignited by a small open flame such as matches or lighters. Thus, the original standard was not designed to reduce injuries sustained in whole house or bedding fires. The occurrence of such incidents does not undermine the exemptions because even absent the exemptions, the standard would not address such incidents.

The Commission has determined to maintain the 1996 amendments because the basis for them remains sound. As discussed in sections E through G below, GAO's reports, as well as comments and information received since the amendments, present no new evidence that would change the rationale for the 1996 exemptions. A brief review of the basis for the 1996 amendments follows.

1. Technical Research Supports Tight-Fit

Before issuing the proposed and final exemptions, the Commission conducted an extensive review of technical research and information considering the effect garment design can have on clothing fires. The Commission found that garment design is a major factor; it influences the probability of ignition, flame spread, duration of burning, and the amount of heat transferred to the body. (10)

The idea that tight-fitting garments may be less hazardous than loose-fitting ones did not originate with the Commission's work in the early 1990's. Numerous studies from the 1970's and 1980's examined the issue. Several studies in the 1970's placed loose and tighter-fitting garments on manikins to observe their performance when ignited. For example, in a 1971 study, when sleepwear garments were burned on toddler-size manikins the researchers found that a full, loose garment made of a relatively flammable lightweight fabric is more hazardous than a close-fitting one made of a heavier cotton. Two manikin studies from the later 1970's found that closer-fitting cotton ski pajamas were likely to produce less extensive injuries than looser fitting nightgowns. A manikin study in 1986 compared five different fabrics and found that, for each of the fabrics, nightgowns were more hazardous than pajamas. These are just some of the studies the Commission considered.(10)

After reviewing all the available literature on the issue of garment fit and safety, the staff concluded:

> The reduced probability of ignition of tight fitting clothing is related to three factors: the limited supply of oxygen from underneath the garment, the role the skin plays as a heat sink and reduced likelihood of contacting the flame source.
>
> Garment configurations in which large air spaces are created between the body and the garment act as chimneys in which the flame spread accelerates as it travels an unrestricted path. The resultant rapid burning is characterized by large flames. The excess fabric also serves as a fuel supply that makes it difficult for the flames to be extinguished. Ignition of tight fitting clothing or sections of tight fitting clothing is characterized by both lower flame spread and smaller flames, allowing the wearer to take action sooner. Because tight fitting clothing is less likely to support propagation, it is often easier to extinguish the flames.

(10) The Commission is not aware of any studies conducted since the 1996 amendments that invalidate these findings.

2. Data Support Exemptions

Tight-fitting. When it issued the 1996 exemptions, the Commission reviewed available injury data from the period 1980–1994. During that period, there were an estimated annual average 90 hospital emergency room-treated thermal burn injuries to children involving sleepwear. (The corresponding average annual estimate involving daywear was 850.) Significantly, injuries associated with sleepwear predominantly involved females (71 percent) while burn injuries from daywear usually involved males (69 percent). (25) This tendency for sleepwear-related burns to involve females was true even when the Department of Commerce developed the original standard (DOC Analysis of Data for standard). Females are more likely to have been wearing nightgowns or looser fitting garments for sleeping. Of the 20 nightwear-related cases involving children under 15 years reported to NEISS during the 1980–1994 period, 11 involved nightgowns, six involved pajamas (not tight-fitting), two involved nightshirts, and one involved a polyester blanket sleeper.(25)

The Commission conducted in-depth investigations of incidents reported from 1992–1994 involving sleepwear or daywear used as sleepwear. Summaries of these investigations were included in staff memos that were part of the briefing packages for the proposed and final amendments.(12 and 25) Most of the incidents involved loose-fitting clothing such as nightgowns, nightshirts and tee shirts. Ignition sources were items such as cigarette lighters, stoves, matches, and fireplaces. Based on its investigations of NEISS cases, the staff estimated that about 200 thermal burn injuries involving daywear used as sleepwear were treated in hospital emergency rooms during 1994.(25)

In 1993, when the Commission began the rulemaking proceeding that resulted in the 1996 amendments, the Commission issued a stay of enforcement for garments that were marketed and labeled as underwear and were skin-tight or nearly skin-tight. These garments are closer fitting than traditional pajamas but looser than garments allowed under the 1996 exemption. The Commission is not aware of any burn incidents involving such stay garments.(62) If tight-fitting garments posed an increased risk of fire, one would expect to see an increase in clothing-related incidents after these stay garments were allowed since they are even looser than exempt garments. This has not been the case. When the Commission issued the tight-fitting exemption, the NEISS estimate for clothing-related incidents involving children under 15 was about the same as before the stay.(25) When the staff reviewed the data for the current proceeding it found no increase in fatalities in the last 20 years and no trends in injuries since before the stay.(62) According to National Purchase Diary data, purchases of cotton sleepwear garments have increased from 9.7 percent in 1992 to 27.5 percent in 1998. More cotton garments are on the market, but there has not been a corresponding increase in incidents.(61)

In fact, relatively close-fitting garments resembling underwear have been available long before the stay of enforcement. In 1979, the Commission received a petition from a sleepwear manufacturer who was concerned about thermal underwear being marketed and worn as sleepwear. Beginning in 1984, the Commission staff developed a series of enforcement pamphlets to try to distinguish between these types of cotton underwear garments and sleepwear.(59) Throughout this time, sleepwear-related burn incidents have continued to involve primarily loose-fitting garments such as nightgowns,

traditional (loose) pajamas, and oversized tee-shirts.(25)

Complementing the research discussed above and the data, the staff also conducted a review of literature concerning the association of closeness of fit and burn severity.(13) For example, a 1985 study reviewed the Canadian experience with clothing-ignited injuries involving children under 9 years old. There were 192 cases reported with statistical analyses performed on 174 cases. The study found that the two significant predictors of burn severity were the style of garment and the ignition situation; burns tended to be more severe when the victims wore loose-fitting clothing and when no adult was present.(13)

A study published in 1973 used data from the Flammable Fabric Accident Case and Testing System (''FFACTS'') to determine that close-fitting garments were associated with less severe burn injuries. The study concluded that closeness of fit had a stronger influence than fiber content on burn severity in incidents where the clothing was the first to ignite.(13)

Infants. Very few incidents involving infants under one year have been reported. The original standard was only intended to address incidents in which an infant's clothing was ignited from a brief exposure to a small open flame. Flame-resistant fabrics burn or char until the ignition source is removed. Flame retardant sleepwear will not protect a baby whose crib becomes engulfed in flames. This is the type of scenario that most often occurs when an infant suffers burn injuries.(15) Industry representatives reported that infant sizing is not true to age. As a common rule, according to the retail industry, parents buy infants' sleepwear at double the age (i.e., for 6 month old infants, purchasing the 12 month size). The exemption applies to garments in sizes 9 months and smaller. As the preamble to the final rule noted, these garments are frequently purchased for babies 6 months of age and younger. 61 FR 47638. (See also oral testimony of Julie Goldschneider and Commissioner Moore's April 30, 1996 statement.)

A 1973 review of the FFACTS data base found 434 incidents up to that date involving persons of any age clothed in sleepwear. Of these, only three involved children under one year of age. Two of these involved house or trailer fires and the third was a bedding fire.(13) A 1978 study of 66 burn injuries to children under one year old associated with clothing found similar results. ''In ten cases, the clothing involved was specifically identified as sleepwear. Nine of those cases involved whole-house fires; the other involved a home-made garment. The Commission concluded that none of these cases involved risks of injury which the sleepwear standard was intended to address.'' 61 FR 47637.

The Commission previously considered exempting infants from the sleepwear standard. In 1977, the Commission proposed to delete coverage of sleepwear in sizes below size one. 42 FR 56568. In 1978, the Commission withdrew this proposal. 43 FR 31348. In the twenty years since that decision, clothing-ignited fires involving infants have remained a rare event.

In its review of data for the 1996 exemptions, the staff found only three reported cases involving children under one year old between 1980 and 1994. Only one of these involved nightwear, and it was a house fire.(25 and 12) In its review of incidents reported since 1996, the staff found two involving children under one year old. Both incidents were house fires. It was difficult to determine what type of clothing the children were wearing.(62)

3. Experiences of Other Countries Support Exemptions

The experiences of several other countries, particularly Canada, bolster the Commission's conclusion that the exemptions would not reduce the level of protection for children.

In 1971 Canada issued flammability regulations for children's sleepwear that established a minimal standard similar to CPSC's general wearing apparel standard. However, sleepwear-related burn injuries and deaths continued, and studies showed that garment style was a major factor. Thus, in 1987, Canada revised its sleepwear regulations so that there are essentially two regulations; one applies to sleepwear considered to be a high fire hazard—such as nightgowns, nightshirts, robes and loose-fitting pajamas—the other to sleepwear posing a low fire hazard. Garments presenting a high fire hazard must meet a flammability test similar to the U.S. sleepwear standard for non-exempt garments. Sleepwear posing a low fire hazard must meet a test similar to the Commission's general wearing apparel flammability test. Canada considers sleepwear of the following types to present a low fire hazard: polo pajamas and sleepers in sizes 0–14x, sleepwear designed for infants up to 7 kg (15.4 lbs.), and sleepwear designed for hospital use in sizes 0–14. Polo pajamas and sleepers have tight waists, ankles and wrists.(26)

In a 1993 letter, the director of Canada's Office of Product Safety told CPSC that the standard has been a success.(26) The rationale for provisions concerning infants and closer-fitting garments was similar to CPSC's. She stated: ''Infants up to 7 kg (about 5 months old) are usually under the close supervision of their parents and they are not crawling, walking or climbing at this age.'' As for polo pajamas and sleepers: ''Studies have demonstrated that garment style play [sic] a major role in the flammability of sleepwear. Snug fitting garments with tight waists, ankles and wrists as polo pajamas and sleepers, are safer as they are less likely to come into contact with ignition sources, and burn slowly.'' She stated that no deaths had been reported after the 1987 standard. A five year study to assess the effectiveness of the regulations was initiated, but because there were so few injuries reported, the study was discontinued. The Director concluded: ''Since the Regulations, injuries due to the ignition of children's sleepwear are no longer an issue in Canada.''(26) As of May 1999, Canada reports that it still has no reported fire deaths related to children's sleepwear since 1987.(68)

Several other countries distinguish between loose-fitting sleepwear such as nightgowns and closer-fitting sleepwear such as pajamas and make exceptions for infant garments.(13) Australian standards have three categories: (1) Low fire hazard type fabric, (2) form fitting clothing designed to reduce fire hazard, and (3) garments not complying with either of these categories and perceived to be of greater risk. Garments must be labeled as to their fire hazard category.

The United Kingdom has sleepwear regulations issued in 1987 that require nightdresses, dressing gowns and similar garments commonly worn for sleeping by children between 3 months and 13 years to meet flammability performance requirements. Other garments—such as pajamas, cotton terry bath robes and garments for babies under 3 months—do not have to comply with the flammability standard, but must have a permanent label indicating whether they meet the flammability standard.(13)

New Zealand's sleepwear standards went into effect in 1980. They require that sleepwear for children from 1 to 14 years old be made from fabrics defined as ''low fire risk'' or be made of a closer-fitting pajama style.(13)

These other countries do not have the extensive death and injury databases that the U.S. does. Therefore, it is difficult to make statistical comparisons between burn deaths and injuries before their standards and after. However, the fact that these other countries have also distinguished between safer close-fitting

garments and more hazardous loose ones bolsters the Commission's conclusions based on its review of research and incident data. Notably, these other countries all allow garment dimensions larger than those CPSC specifies.

D. Statutory Provisions

1. Authority for the Exemptions

The original children's sleepwear standards were issued under the Flammable Fabrics Act (''FFA''), which allows the Commission (previously the Secretary of Commerce) to issue a flammability standard for a fabric or product if needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury or significant property damage. 15 U.S.C. 1193(a). The Commission issued the 1996 amendments under the same authority. In accordance with the procedures in the FFA, 15 U.S.C. 1193(g), the Commission first issued an ANPR beginning the rulemaking process. 58 FR 4111. After considering the thousands of comments responding to the ANPR, the Commission issued a notice of proposed rulemaking as required by the FFA, 15 U.S.C. 1193(i). 59 FR 53616. The Commission issued the final standard in accordance with section 4(j) of the FFA, 15 U.S.C. 1193(j). 61 FR 47634.

As discussed above, section 429 of the legislation that provided the Commission's appropriations for fiscal year 1999 required the Commission to propose to revoke the 1996 sleepwear exemptions and to issue a rule by July 1 revoking, maintaining or modifying the amendments. Public Law 105–276. The legislation states that neither the FFA, the Consumer Product Safety Act, nor any other statute applies to this proceeding. Thus, the Commission is not required to follow the process or make the findings the FFA directs. Rather, in determining what action to take on the 1996 exemptions, Congress instructed the Commission to ''consider[] and substantively address[] the findings of the General Accounting Office and other information available to the Commission.'' *Id.* As discussed above, the Commission has reconsidered the information on which the 1996 amendments were based and believes that information still supports the exemptions. The following sections discuss the Commission's consideration of the GAO reports and the comments presented to the Commission.

E. The GAO Report on Incident Data

Congress directed GAO to review ''incident data relating to burns from the ignition of children's sleepwear from small open flame sources for the period July 1, 1997 through January 1, 1999.'' P.L. 105–276. In its report GAO said it addressed the questions: ''(1) how many burn injuries involving children's sleepwear occurred annually before and after the amendments? and (2) what conclusions, if any, can be drawn from these data about the effect of the changes to the sleepwear standard on the risk of injury?''(55)

1. Summary of Report

GAO concluded that data were not sufficient to clearly answer either of these questions. The report states that ''[t]he exact number of burn injuries associated with children's sleepwear before and after CPSC amended its standard is uncertain.'' *Id.* Because few sleepwear-related injuries are reported annually to CPSC's sample hospital emergency rooms, GAO concludes that ''precise national estimates'' are not possible, and it is therefore difficult to observe injury trends. *Id.* The report notes that over the period 1990 to 1998, NEISS reported only 13 cases and in some years, such as 1998, no cases were reported at all. The report also asserts that, because multiple factors are involved in burn injuries, additional information would be necessary to reach firm conclusions about the effect of the changes. In particular, the report asserts that without data concerning the numbers of consumers who use each type of sleepwear it is not possible to determine the type of sleepwear most likely to be associated with injuries. *Id.*

2. Data Are Sufficient To Support Exemption

The GAO report correctly notes that few burn incidents involving sleepwear have been reported through NEISS over the period 1990 to 1998. However, the fact that only 13 cases have been reported during this period does not invalidate that data. One can correctly conclude, as GAO acknowledges, that the risk of injury from such incidents is small.(55) These data are sufficient to provide an estimate of injuries, which is the purpose of NEISS.

The GAO report underemphasizes an important part of the Commission's examination of incident data. Because it is difficult to obtain details from information in NEISS reports, the Commission conducts in-depth investigations of selected incidents. The staff conducted 40 such investigations of clothing-related incidents that appeared to involve sleepwear or garments used as sleepwear occurring between 1993 and 1998. As GAO notes, 28 of the 40 cases involved loose-fitting tee shirts, six cases involved nightgowns or nightshirts, three involved traditional flame-resistant sleepwear, one involved a tight-fitting tee-shirt and two involved cotton pajamas. While these investigations do not provide a statistical analysis, they confirm what the research shows and what other countries have found. In a footnote, GAO acknowledges that the patterns from these investigations ''are consistent with data from other sources.'' The footnote continues:

> For example, we reviewed case files from one burn center that was not included in CPSC's NEISS sample. These cases involved 12 injuries to children younger than 15 in 1997 and 1998 that the staff at the burn center identified as involving sleepwear. * * * Although burn center staff did not have information on the fabric content of the children's sleepwear for nine cases they noted the general type of sleepwear. The results from this small group were similar to those CPSC found—six of the nine cases involved loose-fitting nightgowns or shirts.

(55). Thus, the only additional data GAO discusses affirm the Commission's assessment that it is looser garments that pose a risk. The fact that conclusions are based on few cases does not undermine those conclusions when all available information supports them.

GAO's criticism that more information on the factors involved in burn injuries is necessary to determine risk is unjustified. GAO's example in its report illustrates this. The report states that GAO reviewed a case in which a 6-year-old girl wearing a nightgown backed into a space heater. From this example, GAO concludes: ''It is uncertain whether either reducing the flammability of the nightgown or improving the design or performance of the space heater could have prevented her injury.''(55) This example confirms the Commission's conclusions. The girl was wearing a nightgown, precisely the type of clothing the Commission's analysis shows is most likely to be involved in burn injuries. Nightgowns continue to be covered by the sleepwear standard as amended by the 1996 exemptions. Thus, the example is not relevant to the question of risk posed by exempt garments.

More information concerning the use of different types of sleepwear (for example from a use survey) is not necessary to an informed and supported Commission decision, as the report itself illustrates. As GAO acknowledges, the patterns the Commission has

observed that loose clothing is more likely to be involved in burn incidents ''are consistent with data from other sources.''(55) These patterns have been consistent before the standards were promulgated in 1971 to the present time. They are consistent with research, and they are consistent with other countries' experiences. With this consistent information, a use survey is unnecessary.

The report states that tight-fitting pajamas designed to meet the exemption have only been available for a short period of time so one cannot determine if they are more hazardous. However, close-fitting underwear similar to sleepwear has been available under the stay of enforcement since 1993. For as far back as 15 years prior to the stay of enforcement, Compliance staff took action against the companies marketing these garments in violation of the standard. There have not been any reports of incidents involving these types of garments.

The GAO report looks at sleepwear incident data in isolation. However, the Commission's decision on the exemptions was based on all available information since 1971. The NEISS incident data constituted just one part of this information. The Commission continues to believe that the incident data support the conclusion that the exempt garments do not pose an unreasonable risk of burn injuries.

F. The GAO Report on the Information and Education Campaign

The Conference Committee Report on the appropriations bill that required the Commission to propose to revoke the sleepwear amendments directed GAO to assess the information and education (''I&E'') campaign that industry and the Commission conducted (H.R. Rep. No. 769, 105th Cong., 2d Sess. 267 (1998)). When the Commission issued the 1996 amendments it recognized that consumers needed information about the changes. The industry, particularly the American Apparel Manufacturers Association (''AAMA''), volunteered to work with the Commission in developing appropriate materials and making them available to consumers. The GAO report assessed the availability of such I&E materials.

GAO visited more than 70 retail stores in 14 metropolitan areas across the country. It found hangtags on 73 percent of tight-fitting sleepwear garments. The most common hangtags were the ones that AAMA designed. The other types of hangtags varied greatly in design but had similar language. Fewer than 16 percent of stores displayed consumer education brochures or signs about sleepwear safety. About 63 percent of stores mixed other clothing (such as long underwear and loose-fitting shirts) along with sleepwear in retail displays. GAO concluded that consumers generally get some information from point of sale materials, but not to the extent the Commission had envisioned. GAO found that concerns about the initial acceptance of tight-fitting sleepwear and fears that the standards might change made industry reluctant to provide more I&E.(70)

The Commission believes that consumers need information to choose appropriate sleepwear. The GAO report confirms that some information, particularly on hangtags, is available, but more needs to be done. The labeling rule the Commission is adding to the standards should ensure that consumers have the information they need about the importance of fit for tight-fitting sleepwear.

G. Comments on the Proposed Revocation

In accordance with the appropriations legislation, on January 19, 1999 the Commission proposed to revoke the 1996 amendments. 64 FR 2867. The Commission received over 3,400 comments in response. The Commission heard from fire safety professionals, physicians, parents, farmers, sleepwear manufacturers and retailers, consumer advocates, and members of Congress. Although not required by the appropriations language, the Commission held a public hearing on April 22, 1999. Twenty-one people testified. Many of these had also sent written comments responding to the proposed revocation.

Below is a summary of the principal issues the written comments and the hearing testimony raised, along with the Commission's responses.

1. General Comments

Scope of the Standards and Exemptions

Comment: Some commenters had the impression that the exemption eliminated all clothing flammability requirements for children's sleepwear. Others believed that the amendments did not affect loose pajamas, nightgowns, and robes, which are the kind of nightwear involved in burn injuries and fatalities.

Response: The Commission exempted infant sleepwear and only one limited style of sleepwear (defined as tight fitting) in larger sizes. Other sleepwear garments like nightgowns, robes, and looser-fitting pajamas remain subject to the requirements for flame resistance. Exempted children's sleepwear (including infant sizes 0 to 9 months and tight-fitting sleepwear in larger sizes) must still meet the less stringent general clothing textile flammability requirements of 16 CFR 1610.

Comment: A number of commenters believed that the Commission issued the 1996 amendments with the expectation that consumers would switch to tight-fitting sleepwear from loose-fitting tee-shirts.

Response: The 1996 amendments were intended to provide consumers who prefer natural fibers (cotton) with a safer alternative to the loose-fitting, non-complying garments used frequently as sleepwear, such as long underwear. While the staff did not necessarily expect consumers using tee-shirts to switch to the tight-fitting garments, they did anticipate that any such substitutions by consumers could reduce the number and severity of burn injuries should they occur.

Motive for Amendments

Comment: Some commenters suggested the Commission had an economic motive, responding to influence by the cotton industry, for amending the sleepwear standards.

Response: The amendments were not based on pressure from any outside interests, but on two principles: (1) safety and (2) enforcement. As discussed above, the Commission studied this issue for several years, relying on laboratory and other analytical data, including injury and death data, to arrive at its conclusions. The Commission believed that the exemptions would allow more effective enforcement of the sleepwear standards and would provide a safer cotton alternative.

Findings Supporting the Amendments

Comment: Two commenters argued that the amendments were issued without the proper findings of unreasonable risk required by the Flammable Fabrics Act. One commenter stated that CPSC never showed that the net effect of the amended standards on all affected children would be beneficial.

Response: The 1996 amendments exempted specified garments from the children's flammability standard. Because they were exemptions, the correct question was not whether these garments posed an unreasonable risk of fire, but whether taking those garments out of the standard would reduce the level of safety and expose the public to an unreasonable risk. As explained in the preamble to the 1996 amendments, the original 1971 and 1974 flammability standards reached farther than

necessary to protect the public. Inclusion of infant garments and tight-fitting garments meant the standards were not reasonably necessary to protect the public; the standards were not limited to garments that present an unreasonable risk of injury.

2. Children's Sleepwear Marketing Issues

Availability of Tight-Fitting Sleepwear

Comment: Several commenters thought that tight-fitting garments have only been available since the exemption became effective in January 1997, and, therefore, it would be difficult to determine their safety.

Response: As discussed above, non-flame resistant garments of this style (skin-tight or nearly skin-tight) have been used as sleepwear with increasing frequency for at least 20 years. During the 1980's the Compliance staff saw an increase in the number of cotton garments labeled as ''long underwear'' or ''playwear'' that appeared to be sleepwear.

Industry sources estimate that, before the staff started work on the amendments in 1992, the share of total sleepwear purchases accounted for by complying cotton garments was about 1–2%. According to National Purchase Diary data, cotton sleepwear (the consumer's intended use) purchases have increased from 9.7% to 27.5% of the total sleepwear purchases from 1992 to 1998.

Effect of Cotton Sleepwear Sales on FR (Polyester) Sales

Comment: One commenter suggested that with the emergence of cotton garments, flame-resistant children's sleepwear would be forced out of the market and manufacturers would find that they could not sell flame-resistant sleepwear.

The American Apparel Manufacturers Association stated that ''polyester garments still dominate the market for children's sleepwear. Sales of synthetic pajamas are very strong and are expected to remain so for the foreseeable future.''

Response: Information from the National Purchase Diary shows that purchases of children's sleepwear are increasing. While the proportion of cotton sleepwear purchases is growing, the market for other sleepwear (flame-resistant) has steadily increased in volume from 106.6 million in 1992 to 112.5 million garments in 1998. Flame-resistant polyester garments reportedly represented over 70% of the total children's sleepwear purchases in 1998.

Garment Returns From Retail Sales

Comment: One commenter, a major retailer of children's clothing, noted that it has experienced returns of tight-fitting sleepwear at about 8% of sales, which it describes as high.

Response: The Commission expected some consumer returns of tight-fitting sleepwear during the transition period following the exemption of these garments. Manufacturers contacted by the Commission staff late in 1998 indicated returns ranging from ''negligible'' to 5%, considered high. The retailer in the current comment noted that consumers were not seeking refunds, but rather were exchanging the garments for a larger size. Except for some marginal costs associated with the transaction costs of the exchange, retailers are not likely to bear a significant cost burden associated with returns. With the clarification of measurements, availability of stretchable fabrics, manufacturer adjustments to new design and production demands, increasing consumer familiarity with the fit of this style of garment, returns and exchanges should decrease.

Costs of Revocation

Comment: Commenters noted that manufacturers and others have borne significant costs in order to produce and market tight-fitting sleepwear garments under the exemption. A trade group noted that firms changed their business practices as a result of the amendments, but they did not quantify the associated costs. A retail chain reported that revocation would cost that firm approximately $7 million.

Response: The Commission agrees that there would be some costs to manufacturers and others associated with revocation, but does not have information to quantify those costs. The Commission is not basing its withdrawal of the proposed revocation on the fact that industry would incur some costs if the amendments were withdrawn.

3. Death/Injury Data Involving Children's Sleepwear

Trend in Clothing-Related Burn Fatalities

Comment: Some commenters asserted that enactment of the sleepwear standard in 1972 reduced the number of annual sleepwear-related burn deaths from 60 to 4. Others have expressed this in reverse—there would be ten times as many deaths without the sleepwear standard.

Response: These assertions are incorrect because they refer to all *clothing-related* burn deaths reported by the National Center for Health Statistics (''NCHS''). The NCHS mortality files providing these data do not distinguish sleepwear-related burn cases from other clothing-related burn cases. There are no reliable data on the number of sleepwear-related deaths before the standards were issued that could be compared with data assembled thereafter.

Mobility of Infants Wearing Sizes 0–9

Comment: Many commenters rejected the contention that infants wearing sizes 0–9 months are immobile. ''These children may not be able to walk; however, they certainly can crawl or roll, which may put them in a situation where they may be exposed to open flame.''

An industry commenter stated at the April 22 hearing that infant sizing is not true to age (it is not standardized by regulation). She stated that an infant who is six months of age wears a 12 month size, and an infant who is 5 months of age probably wears a 9 month size, and would not likely be mobile.

Response: In 1993, CPSC staff reported from the literature that infants' first ambulatory motions usually consist of crawling-type movements, which begin around 7 to 8 months of age. Industry representatives had previously reported, as above, that infant sizing is not true to age. Most likely, an infant six months or younger would be wearing garments sized 9 months and under. These children are typically not yet walking or crawling. The definition of infant garment in section 1615.1(c)(2) accommodates all but the largest 6 month old infants. (ASTM Standard D 4910–95.)

Relationship of Mobility to the Risk of Burn Injury

Comments: Many commenters rejected the claim that the risk of burn injury to infants is minimal because of their immobility. Commenters note that infants are less able to remove themselves from a potentially dangerous situation. Ignition sources also come to them. Many commenters argued that the relative immobility of infants puts them at greater risk, not less, of being severely burned in an otherwise minor conflagration.

Response: CPSC knows of several incidents in which a fire started by another child or source approached and ignited the clothing of a pre-ambulatory infant who thereby sustained severe burns from burning clothing. However, analyses of over 150 potentially survivable fire and thermal burn cases involving infants 0–9 months old from

January 1990 to May 1999 in CPSC files revealed insufficient information about the type of clothing involved in these cases to determine whether the type of clothing would affect the likelihood or severity of injury.

Validity of CPSC Data

Comment: Many commenters questioned the validity of CPSC data indicating a low, stable frequency of sleepwear-related thermal burn injuries. They asserted that ''problems in the reporting of burn injuries'' are a partial explanation that some argue there has been no increase in the number of burn injuries and deaths since the standard changed. The GAO report asserted that CPSC's sleepwear burn data were both too sparse to provide reliable national estimates and subject to coding biases possibly leading to underestimation of sleepwear-related burns.

Response: There is no reason to believe that the number of burn injuries in the U.S. is underestimated by CPSC's National Electronic Injury Surveillance System. The NEISS sample of 101 hospitals, 2.2% of the universe of 5,387 U.S. emergency-room hospitals, includes 4 or 4% of the 119 hospitals that are self-identified burn treatment centers. Although some severely burned children may be admitted directly to burn treatment facilities, more often such victims are taken to the nearest hospital emergency room for stabilization and later transferred to burn treatment facilities. These transfer cases would be reported through NEISS. Although estimates of infrequent occurrences are subject to relatively large variances, NEISS does provide a powerful case-finding tool with 101 hospitals searching for sleepwear burns. Each case is carefully reviewed and any serious burn cases are quickly identified and investigated. A change in frequency of sleepwear-related pediatric burn injuries would be readily detected, while a change in severity would be more difficult because of the few sleepwear-related burn cases reported in NEISS.

Infant Exemption's Likely Effect on Burn Injuries

Comment: Several commenters (physicians) gave accounts of cases where they believe flame-resistant sleepwear could or did, in their opinion, reduce the severity of the injuries sustained by infants and other children in fires. In some of these cases, they said children had burns on the exposed portions of their bodies while those areas covered by the flame retarded clothing were not injured. A surgeon heading a burn treatment facility, estimated that burn units across the country have treated approximately 472 sleepwear-related thermal burn injuries to victims 0–9 months old since January of 1997. He argued that the severity of cases like these could be positively affected by a return to flame-resistant sleepwear for infants.

Response: The typical scenarios involving infants are bedding or larger room/house fires. The children's sleepwear standards were not intended to address the risk of death and injury from exposure to a whole house or bedding fire. The test method in the standards uses a three second exposure to a moderate sized flame and a requirement that the fabric self-extinguish. The ignition source in the fire scenarios mentioned by commenters is larger and more intense and sustained well beyond three seconds. The heat released and temperatures produced in larger fire scenarios easily exceed the temperatures produced by the small open flame sources. Because of the fabrics' melting and ignition temperatures and the high temperatures and sustained fire growth that occurs in these larger fire scenarios, and the many other factors affecting the outcome of an incident, flame-resistant sleepwear garments cannot be counted on to provide enough protection to prevent life-threatening burn injury from occurring in these scenarios.

Comment: Burn centers, burn victims, and others shared information on various burn injury cases arguing that the exemptions should be revoked to prevent an increase in burn injuries.

Response: The CPSC staff investigated all cases possible within the time constraints of this proceeding. Four Shriners burn hospitals referred 134 cases involving thermal burns from children's clothing to the CPSC staff. Most of these involved garments or fire scenarios not addressed by the sleepwear standard. The staff requested for investigation 30 cases meeting certain criteria relevant to this proceeding. With permission from the hospitals and victims' families, the staff completed analysis of 21 cases. The CPSC in-depth investigations revealed that none of these cases involved garments exempted from the standard by the 1996 amendments or garments previously subject to the stay of enforcement.

Several commenters were burn victims or parents of burn victims. Two of the garments involved in these incidents were nightgowns. These garments must still be flame-resistant under the 1996 amendments. Another case involved an infant wearing a cotton sleeper injured in a bedding fire, a scenario that the standard does not address. One commenter was a burn victim whose only injury was singed hair when his ''tight-fitting'' (by his description) thermal underwear ignited from a stove burner. This case and another involving a tight-fitting tee-shirt illustrate how the fit of a garment can minimize injury severity when exposed to a small ignition source.

4. Safety-Related Technical Information

Fires Addressed by the Standards

Comment: A number of commenters expressed concerns that the exemptions would eliminate protection of children from a variety of fire scenarios, including house fires and bedding/mattress fires. Others claimed that injuries would be less severe in these cases had victims been wearing flame-resistant sleepwear. Other commenters argued that although these cases are tragic and still occur, the standard (flame-resistance) does not protect against injuries from house fires or the rare infant crib/bedding fires.

Response: As discussed above, the children's sleepwear standards were not intended to address the risk of a whole house or bedding fire. The intent of the sleepwear standards is to eliminate the risk of serious personal injury or death from fire as a result of contact between the sleepwear garment and a small ignition source. Even flame-resistant sleepwear may not prevent burn injury in a whole house or bedding fire.

Importance of Fit

Comment: A number of commenters expressed concerns that the combination of non-flame resistant material and loose fit are dangerous. Others argued that tight fit is a reasonable choice with reduced likelihood of ignition.

Response: As discussed above, garment fit, along with fiber content can influence a garment's flammability. Children's sleepwear made from cotton fabric needs to fit close to the body, to provide an acceptable level of risk. There is a great deal of information in the literature discussing the concept of tight-fitting garments being less hazardous than loose-fitting garments. The ease of ignition increases when the wearer's clothing stands away from the body and the excess fabric functions as a connector to the ignition source. Without a tight fit, if ignition occurs, the oxygen under the garment and the absence of a heat sink (the body) increase the opportunity for sustained burning. Research indicates that reasonably safe sleepwear garments can be made from cotton fabrics that do not

meet the flammability requirements of the children's sleepwear standards, i.e. they do not self-extinguish. Comfortable, practical, tight-fitting sleepwear can and is being produced that is acceptable to consumers.

Fire Safety

Comment: One commenter asserted that non-flame resistant cotton sleepwear is dangerous based on a local fire department demonstration in which two sleepwear garments, one flame-resistant and the other untreated cotton were burned.

Response: It is not surprising that the commenter observed that the cotton sleepwear ''flamed up and burned very quickly.'' Light weight, cellulosic fabrics usually ignite readily when in contact with an ignition source, burn steadily, and are often difficult to extinguish. Flame-resistant fabrics made from thermoplastic fibers are not as easily ignited and have a tendency to shrink away from the heat source. These fabrics self-extinguish when the flame source is removed.

The fire department demonstration did not take into account garment design, one of the major factors influencing a garment's flammability. A tight fit reduces the possibility of ignition occurring. If ignition of tight-fitting clothing occurs, flame spread is slower and less intense, allowing the wearer to take action sooner. Because tight-fitting clothing is less likely to support flame propagation, it is often easier to extinguish the flames.

Comment: Commenters presented differing views concerning the relative protection offered by cotton and flame-resistant garments in house and bedding fires. Medical professionals noted cases where exposed portions of a child's body were burned but portions covered by flame-resistant garments were not. The National Cotton Council stated that cotton sleepwear may be slightly more protective than flame-resistant garments in a crib or house fire.

Response: The fire scenarios described above are not addressed by the children's sleepwear standards that define the protection provided in terms of self-extinguishment after a 3 second exposure to a small gas burner flame. A number of variables contribute to the outcome of burn injury such as the circumstances surrounding the incident, the victim's reaction/activity, the fabric characteristics (weight, weave, finishes/treatments applied, fiber content, dyes, etc.), size of the flame and the garment location contacted by the flame, flame propagation, rate of heat transfer, presence of undergarments, etc. Much of this data cannot be obtained through investigations. The staff cannot conclude based on available data that there are substantial benefits associated with the sleepwear standards beyond those represented by the test method.

Upsizing Practices

Comment: Commenters noted that parents may ''upsize,'' that is, buy sleepwear in sizes larger than their children's current size, because they will get longer wear from the garments. In store interviews, customers indicated that if they were to purchase tight-fitting sleepwear, they would buy a larger size. Others added concerns that handing down clothes to younger children and second hand sales will interfere with parents using the correct garment size.

Response: Commenters provided no information about whether parents are actually buying larger sizes for tight-fitting sleepwear. The staff contacted manufacturers and retailers for this perspective. A representative of a sleepwear retailer, based on discussions with parents during garment fittings, believes that parents would probably purchase only one size larger, otherwise the garment would be too large (i.e. the legs and sleeves would be too long). A manufacturer/retailer of successful tight-fitting sleepwear does not believe their customers are upsizing.

During the development of the technical amendments in 1997, the staff observed that garments using fabrics with adequate stretch provided children with ample room for movement and comfort while maintaining the tight fit required by the exemption. The staff also observed children wearing garments one size larger than their age-appropriate size. The differences in garment dimensions between sizes are small. The larger garments still conformed to the contours of the children's bodies, touching them at many points, thus reducing the likelihood of ignition.

Informational labeling is important for tight-fitting children's sleepwear to help consumers distinguish among flame-resistant and non-flame-resistant (tight-fitting) garments. Consumers need to be informed that certain sleepwear is no longer flame-resistant and that proper fit is necessary for safety.

5. Information and Education Campaign

Confusion in the Market Place

Comment: Many commenters criticized the voluntary information and education program as inadequate and confusing in the market place. Several commenters surveyed retail stores and reported on the mixing of garment types, inconspicuity and inconsistency of label messages, and absence of information for the consumer.

Response: Many of these criticisms appear valid. Commenters reported that the current labeling on the hangtags is not distinctive or conspicuous but is mixed with promotional and brand literature. The hangtags are not consistent, and wording on permanently-affixed labels is indistinguishable from size and washing instructions. The Commission's labeling requirement will address these concerns.

6. Garment Design and Production Issues

Expansion of Tight-Fitting Dimensions

Comment: Several commenters recommended increasing slightly the dimensions, especially the upper arm, that define a tight-fitting garment exempt from children's sleepwear flammability standards. They argued that this may make the garments more attractive to parents currently avoiding tight-fitting sleepwear without compromising the garment's safety. A slightly larger garment, they argued, is far safer than an oversized tee shirt.

Response: Commission staff carefully considered the option to allow a less than tight fit for exempted children's sleepwear when amending the sleepwear standards. The reduced probability of ignition of tighter-fitting clothing is related to three factors: the limited supply of oxygen from underneath the garment, the role that the body plays as a heat sink, and reduced likelihood of contacting the flame source. However, while a tighter-fitting garment can reduce the possibility of the garment coming in contact with a source of ignition, a review of the literature did not reveal a specific safe level or range of fit. The Commission concluded that for tight-fitting garments to be exempt from the children's sleepwear standards, the garment must touch the body at all critical locations. To do this, children's sleepwear garments must be equal to or less than the body dimension at these locations. Comfortable, tight-fitting sleepwear garments are currently being manufactured and successfully marketed without making additional dimensional adjustments with a questionable impact on safety.

Sewing Tolerances

Comment: An industry commenter again requested that the standard be amended to allow specific tolerances to accommodate mass-production variances and sewing errors. Such tolerances, a long-recognized practice in

the apparel industry, would provide sleepwear makers and retailers with a workable margin of error.

Response: The Commission recognizes that tolerances are normally used in the production of all garments and allow for permissible variations to the pattern specifications that can occur during cutting or sewing of the garment. However, adding a production tolerance which would increase the garment dimensions from those specified in the amended children's sleepwear standards, would result in a less than tight-fitting garment. The importance of a tight fit has been stated earlier. Knit fabrics are available with a sufficient degree of stretch so that the garment would still fit the intended size child even if the manufacturer undercuts the fabric somewhat. Sleepwear garments manufactured to the dimensions specified in the sleepwear standards using such knit fabrics are currently being sold to consumers.

7. Compliance Issues

Comment: One commenter questioned the Commission's efforts to enforce the amended standards that exempt tight-fitting sleepwear garments.

Response: Earlier this year, the Commission staff initiated a program for CPSC investigators to inspect retail stores throughout the United States to determine whether sleepwear marketed and promoted as being tight-fitting meets the measurements required for an exemption. This program is continuing, and the staff is conducting full investigations of firms found to be selling or manufacturing violative merchandise. The staff also learns of potential violations from firm inspections, incident investigations, and trade complaints.

H. Date of Withdrawal

The proposed revocation of the 1996 amendments is withdrawn on the date of publication. Because revocation was proposed but never finalized, withdrawal of the proposal does not make any substantive change. Therefore, it is unnecessary to delay the withdrawal of the proposed revocation.

List of Subjects in 16 CFR Parts 1615 and 1616

Clothing, Consumer Protection, Flammable materials, Infants and children, Labeling, Reporting and recordkeeping requirements, Sleepwear, Textiles, Warranties.

Conclusion

Pursuant to Public Law 105–276, the Commission withdraws the proposed revocation of January 19, 1999, 64 FR 2867.

Dated: June 22, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

1. Memorandum from Liz Gomilla, Division of Regulatory Management and Eric Stone, Division of Administrative Litigation, to Terrance R. Karels, Project Manager, dated March 13, 1992, entitled ''Problems Associated with Enforcement of the Children's Sleepwear Standards.''
2. Memorandum from Bea Harwood and Terry L Kissinger, EPHA, to Terrance R. Karels, Project Manager, dated April 20, 1992, entitled ''Injury Data Related to the Sleepwear Flammability Standards and Information on Surveys of Burn Treatment Centers.''
3. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, dated May 6, 1992, entitled ''Final Report, Children's Sleepwear Project.''
4. Memorandum from Anthony C. Homan, ECPA, to Terrance R. Karels, Project Manager, dated March 25, 1992, entitled ''Market Sketch—Children's Sleepwear.''
5. Briefing Memorandum from Terrance R. Karels to the Commission, dated November 3, 1992.
6. **Federal Register** notice ''Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Advance Notice of Proposed Rulemaking,'' published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4111).
7. **Federal Register** notice ''Standards for the Flammability of Children's Sleepwear: Sizes 0 Through 6X and 7 Through 14; Stay of Enforcement,'' published by the Consumer Product Safety Commission; January 13, 1993 (58 FR 4078).
8. Tabular summaries of comments and staff responses to comments to the Advance Notice of Proposed Rulemaking; 50 pages; July 19, 1994.
9. ''Statement by The Children's Sleepwear Coalition In Response to the Consumer Product Safety Commission's Advance Notice of Proposed Rulemaking''; March 25, 1993.
10. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Technical Rationale Supporting Tight-Fitting Children's Sleepwear Garments''; March 14, 1994.
11. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Recent Conversation Between Staff of Consumer and Corporate Affairs Canada and Commission Staff''; July 17, 1992.
12. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Injury Data Related to the Children's Sleepwear Standards''; February 8, 1994.
13. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Results of Review of Available Literature,'' and attachments; April 1, 1994.
14. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Human Factors Issues Regarding Sleepwear,'' and attachment; March 8, 1994.
15. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Garments Intended for Infants''; July 8, 1994.
16. ''Preliminary Regulatory and Regulatory Flexibility Analyses for the Proposed Amendments to the Children's Flammability Standards,'' by Anthony C. Homan, Directorate for Economic Analysis; June, 1994.
17. ''Market Sketch—Children's Sleepwear,'' by Anthony C. Homan, Directorate for Economic Analysis; March, 1992.
18. Memorandum from Eva S. Lehman, HSPS, to Terrance R. Karels, ECPA, entitled ''Toxicological Evaluation of Fabrics Used in Children's Sleepwear''; June 7, 1994.
19. Memorandum from Patricia Fairall, CERM, to Terrance Karels, ECPA, entitled ''Compliance History—Enforcement of Children's Sleepwear''; 6 pages; April 20, 1994.
20. Memorandum from James F. Hoebel, Acting Director, ESME, to Terrance R. Karels, ECPA, entitled ''Amendments to Children's Sleepwear Standards''; July 7, 1994.
21. Memorandum from Dr. Terry L. Kissinger, EPHA, to Terrance R. Karels, ECPA, entitled ''Proposed Amendment to Children's Sleepwear Standards''; July 15, 1994.
22. **Federal Register** notice ''Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14; Proposed amendments'' published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53616).
23. **Federal Register** notice ''Continuation of Stay of Enforcement of Standards for the Flammability of Children's Sleepwear, Sizes 0 Through 6X and 7 Through 14'' published by the Consumer Product Safety Commission; October 25, 1994 (59 FR 53584).
24. Comments on proposed amendments.
25. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Injury Data Related to the Children's Sleepwear Standards''; July 12, 1995.
26. Letter from Carole LaCombe, Director, Product Safety Canada, to Eric C. Peterson, Executive Director, Consumer Product Safety Commission, concerning Canadian standards for the flammability of children's sleepwear; September 13, 1993.
27. Memorandum from Linda Fansler, ES, concerning telephone conversation between staff of the Consumer Product Safety Commission and staff of Consumer and Corporate Affairs Canada on June 18, 1992, concerning the Canadian standards for the flammability of children's sleepwear.
28. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Tight Fitting Children's Sleepwear''; July 14, 1995.
29. Memorandum from Terrance R. Karels, Project Manager, to Warren J. Prunella, Associate Executive Director for Economic Analysis, entitled ''Sleepwear Market Update''; October 6, 1995.

30. Final Regulatory Analysis for amendments of the children's sleepwear standards by Terrance R. Karels; July 1995.

31. Memorandum from David Schmeltzer, Assistant Executive Director for Compliance, to Terrance Karels, Project Manager, entitled ''Sleepwear Briefing Package''; August 24, 1995.

32. Memorandum from Patricia Fairall, Compliance Officer, to Terrance Karels, Project Manager, entitled ''Compliance Discussion of the Proposed Amendments to the Children's Sleepwear Standards''; June 26, 1995.

33. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Response to Public Comments Received after Publication of the Notice of Proposed Rulemaking''; July 12, 1995.

34. Memorandum from George Sweet, EPHF, to Terrance R. Karels, ECPA, entitled ''Human Factors Responses to Sleepwear NPR Comments''; May 5, 1995.

35. Memorandum from Linda Fansler, ESME, to Terrance R. Karels, ECPA, entitled ''Response to Comments''; July 14, 1995.

36. Memorandum from Suad Nakamura, Ph.D., EHPS, to Terrance R. Karels, Project Manager, entitled ''Children's Sleepwear—Response to Comments on the Notice of Proposed Rulemaking''; July 19, 1995.

37. Memorandum from Patricia Fairall, Compliance Officer, to Terrance R. Karels, Program Manager, entitled ''Response to Comments from Proposed Amendments to the Children's Sleepwear Standards published in the **Federal Register** on October 25, 1994''; June 26, 1995.

38. Memorandum from Terry L. Kissinger, Ph.D., EHHA, to Terrance R. Karels, ECPA, entitled ''Response to Letter from John Krasny to James Hoebel''; August 3, 1995.

39. Memorandum from George Sweet, ESHA, to Terrance R. Karels, ECPA, entitled ''Issues involved in amendment the sleepwear flammability regulation: Sizing and Labeling''; September 20, 1995.

40. Memorandum from Karen G. Krushaar, OIPA, to Terrance R. Karels, ECPA, entitled ''Children's Sleepwear Informational Campaign''; July 11, 1995.

41. Position statement of the National Fire Protection Association and the Learn Not to Burn Foundation in Opposition to the Proposed Amendment of the Children's Sleepwear Standards; July 1995.

42. Letter from John F. Krasny to J.F. Hoebel concerning paper by Vickers, Krasny, and Tovey entitled ''Some Apparel Fire Hazard Parameters''; July 17, 1995.

43. Memorandum from Linda Fansler, ESME, concerning telephone conversation with John Krasny on September 20, 1995.

44. Log of public meeting conducted on April 25, 1995, concerning proposed amendments of the children's sleepwear flammability standards.

45. Memorandum from James F. Hoebel, Chief Engineer for Fire Hazards, to Terrance R. Karels, Project Manager, entitled ''Children's Sleepwear''; October 10, 1995.

46. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to file concerning small business effects of proposed amendments to the children's sleepwear flammability standards; February 17, 1995.

47. Memorandum from Warren J. Prunella, Associate Executive Director for Economic Analysis, to Eric A. Rubel, General Counsel, concerning requirements for Congressional review of final amendments to the children's sleepwear standards; undated.

48. Vote sheet to accompany briefing package on children's sleepwear flammability standards; October 11, 1995.

49. Memorandum from Terrance R. Karels, Project Manager, and Ronald L. Medford, Assistant Executive Director for Hazard Identification and Reduction entitled ''Questions Regarding Children's Sleepwear Amendments,'' with attachments; January 30, 1996.

50. **Federal Register** notice ''Proposed Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27877). Corrected on June 11, 1998 (63 FR 31950).

51. **Federal Register** notice ''Proposed Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, May 21, 1998 (63 FR 27885).

52. **Federal Register** notice ''Final Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2833).

53. **Federal Register** notice ''Final Clarification of Statement of Policy; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2832).

54. **Federal Register** notice ''Proposed Revocation of Amendments; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear; sizes 7 Through 14'' published by the Consumer Product Safety Commission, January 19, 1999 (64 FR 2867).

55. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety Commission, ''Injury Data Insufficient to Assess the Effect of the Changes to the Children's Sleepwear Safety Standard,'' GAO/HEHS–99–64, April 1999.

56. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, ''Sleepwear Revocation,'' list of comments on CF99–1, March 17, 1999.

57. Memorandum from Martha A. Kosh, OS, to Sadye E. Dunn, Secretary, OS, ''Sleepwear Revocation,'' list of additional comments on CF99–1, March 29, 1999.

58. U.S. Consumer Product Safety Commission Public Hearing on Proposed Revocation of Amendments to Children's Sleepwear Standards, agenda with presenters, April 22, 1999.

59. Memorandum from Marilyn Borsari, Office of Compliance to Margaret Neily, Directorate for Engineering Sciences, ''Enforcement History of Children's Sleepwear Standards,'' May 12, 1999.

60. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, ''Children's Sleepwear Revocation Project,'' May 27, 1999.

61. Memorandum from Terence R. Karels, EC, to Margaret Neily, ES, ''Children's Sleepwear—Issues Related to Proposed Revocation,'' May 27, 1999.

62. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, ''Sleepwear-Related Thermal Burns in Children under 15 Years Old,'' June 1, 1999.

63. Memorandum from C. Craig Morris, EHHA, to Margaret Neily, ESME, ''Response to Public Comments Related to the Children's Sleepwear Flammability Requirements for sizes 0 to 9 Months,'' May 28, 1999.

64. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, ''Human Factors Issues in Sleepwear,'' May 27, 1999.

65. Memorandum from Carolyn Meters, ES, to Margaret Neily, ES, ''Labeling of Tight-Fitting Sleepwear,'' May 27, 1999.

66. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, ''Review of Foreign Flammability Standards for Children's Sleepwear,'' May 25, 1999.

67. Memorandum from Linda Fansler, ES, to Margaret Neily, ES, ''Response to Comments Received as a Result of Publishing the Children's Sleepwear Revocation Proposal,'' May 28, 1999.

68. Log of Telephone Call, Linda Fansler, LSE, with Ms. Christine Simpson, Health Canada, Product Safety Bureau, March 31, 1999.

69. Memorandum from Margaret L. Neily, ES, to File, ''Analysis of Public Comments on Proposed Revocation of the 1996 and Subsequent Amendments to the Children's Sleepwear Flammability Standards,'' May 27, 1999.

70. United States General Accounting Office Report to Congressional Committees and the Consumer Product Safety Commission, ''Consumer Education Efforts for Revised Children's Sleepwear Safety Standard'' June 1999.

71. Memorandum from Carolyn Meiers, ES, to Margaret Neily, ES, ''Summary of GAO report, ''Consumer Education Efforts for Revised Children's Sleepwear Safety Standard,'' May 27, 1999.

72. Briefing Memorandum from Ronald L. Medford, Office of Hazard Identification and Reduction and Margaret L. Neily, ES, to the Commission, ''Children's Sleepwear Flammability Standards—Analysis of Public Comments on the Proposed Revocation of the September 1996 and Subsequent Amendments,'' June 3, 1999.

[FR Doc. 99–16322 Filed 6–25–99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 206, 250, 314, 600, and 601

[Docket No. 99N–0193]

RIN 0910–AB61

Supplements and Other Changes to an Approved Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations on supplements and other changes to an approved application to implement the manufacturing changes provision of the Food and Drug Administration Modernization Act of 1997 (the Modernization Act). The proposed rule would require manufacturers to validate the effect of any manufacturing change on the identity, strength, quality, purity, and potency of a drug or biological product as those factors relate to the safety or effectiveness of the product. The proposal sets forth requirements for changes requiring supplement submission and approval prior to the distribution of the product made using the change, changes requiring supplement submission at least 30 days prior to the distribution of the product, changes requiring supplement submission at the time of distribution, and changes to be described in an annual report.

DATES: Written comments by September 13, 1999. Comments on the collection of information by July 28, 1999.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT:

Eric B. Sheinin, Center for Drug Evaluation and Research (HFD–800), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5918, or

Robert A. Yetter, Center for Biologics Evaluation and Research (HFM–10), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373.

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 21, 1997, the President signed the Modernization Act (Pub. L. 105–115) into law. Section 116 of the Modernization Act amended the Federal Food, Drug, and Cosmetic Act (the act) by adding section 506A (21 U.S.C. 356a), which describes requirements and procedures for making and reporting manufacturing changes to approved new drug and abbreviated new drug applications, to new and abbreviated animal drug applications, and to license applications for biological products. This proposed rule sets forth regulations to implement section 506A of the act for human new drug and abbreviated new drug applications and for licensed biological products. The Center for Veterinary Medicine is developing separate regulations regarding manufacturing changes for new and abbreviated animal drug applications.

This proposed rule will update and replace current § 314.70 (21 CFR 314.70), which provides the requirements for manufacturing changes for human drug applications. This proposal also proposes changes to § 601.12 (21 CFR 601.12), which provides the requirements for manufacturing changes for licensed biological products. Although the current § 601.12 for licensed biological products is in full compliance with the new provisions in the Modernization Act, FDA is making the proposed changes in order to maintain harmonization with proposed § 314.70 for human drug applications.

II. Background

The requirements for reporting manufacturing changes under current § 314.70 were developed originally as part of a comprehensive effort to improve the investigational new drug application (IND) and the new drug application (NDA) processes. This effort began in October 1982 (47 FR 46622, October 19, 1982) and consisted of three phases. The first phase, termed the NDA rewrite (50 FR 7452, February 22, 1985), finalized procedures in part 314 (21 CFR part 314), including § 314.70, for FDA review of new drug and antibiotic applications. The NDA rewrite of § 314.70 created three mechanisms for reporting manufacturing changes: Supplements requiring prior approval, supplements not requiring prior approval, and annual reports. The rationale behind the need for three mechanisms to report manufacturing and controls changes is that some changes have a significant potential to affect the safety or effectiveness of a final drug product and should be reviewed and approved by FDA prior to distribution of the product made with the change. Other changes have a lesser potential to affect safety or effectiveness and could be implemented by a firm with notification to FDA concurrently (changes being effected supplement). A third category of changes has a minimal potential to affect safety or effectiveness and could, therefore, be submitted in the next annual report without compromising drug safety or effectiveness.

The second phase of the effort to improve the IND and NDA process, termed the IND rewrite (52 FR 8831, March 19, 1987), finalized FDA procedures in 21 CFR part 312 for reviewing IND's. The third phase involved preparation of a series of agency guidances that elaborated on the concepts contained in the IND and NDA regulations and provided more detail concerning application formats and how to fulfill testing and other regulatory requirements.

In implementing § 314.70, the agency recognized both the need for greater consistency in the approaches FDA recommended for application holders making postapproval manufacturing and controls changes as well as a need to reduce regulatory burden consistent with the public health. Accordingly, FDA formed the Scale-up and Postapproval Changes (SUPAC) Task Force. This SUPAC Task Force, which was established by the Center for Drug Evaluation and Research (CDER) Chemistry, Manufacturing, and Controls Coordinating Committee, oversaw the acquisition of data on the effects of postapproval changes on the quality and performance of drugs. Based on the data and CDER's experience reviewing thousands of manufacturing change supplements, CDER developed guidance documents designed to ease preapproval requirements by categorizing certain manufacturing changes according to whether they had a minor, moderate, or major potential to affect product quality and performance. The SUPAC guidance documents were issued under § 314.70(a), which stated that holders of an approved application shall make changes to the application in accordance with a guideline, notice, or regulation published in the **Federal Register** that provides for a less burdensome notification of the change.

The existing postapproval change guidances are based on the concept that the identity, strength, quality, purity, and potency of an approved drug should

remain unchanged in any important aspect as a result of any postapproval change in manufacturing and controls. A change in any important aspect may thus require redemonstration of pharmaceutical equivalence and/or bioequivalence as defined in 21 CFR 320.1.

Regulations governing manufacturing changes to licensed biological products were similar to § 314.70, although they did not include the three categories of changes provided in § 314.70. In 1997, as part of an agency initiative to reduce regulatory burden, FDA revised § 601.12 to add three categories of manufacturing changes for licensed biological products with different reporting requirements for each category. In addition, because certain biotechnology products were regulated as drugs under section 505 of the act (21 U.S.C. 355), FDA sought to harmonize regulatory approaches for those biotechnology products that were regulated as drugs by adding new § 314.70(g) that addressed reporting changes to an approved application for certain biotechnology products (see 61 FR 2739, January 29, 1996, and 62 FR 39890, July 24, 1997). Revised §§ 601.12 and 314.70(g), like the original § 314.70, provided for three risk-based filing categories: (1) Those having a substantial potential to have an adverse effect on the identity, strength, quality, purity, and potency of a drug as those factors relate to the safety or effectiveness of the product; (2) those having a moderate potential to have these types of effects; and (3) those with minimal potential to have such effects. In addition, §§ 601.12 and 314.70(g) provided for four different reporting categories instead of the three originally provided in § 314.70. These categories were: (1) Prior approval supplement; (2) 30-day wait changes being effected supplement; (3) no-wait changes being effected supplement; and (4) annual report.

Sections 601.12 and 314.70(g) also provided that applicants could submit as a preapproval supplement a comparability protocol that described the specific tests and validation studies and acceptable limits to be achieved to demonstrate the lack of adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of a product as they may relate to the safety or effectiveness of the product. If approved, such a protocol could justify a reduced reporting category for the particular change described because the use of the protocol for the change could reduce the potential risk of an adverse effect associated with the change.

III. Summary of the Legislation

Section 116 of the Modernization Act amended the act by adding section 506A, which built upon the concepts embodied in the IND/NDA rewrite, the SUPAC program, and the changes to §§ 601.12 and 314.70(g). Section 506A of the act includes the following provisions:

1. A drug made with a manufacturing change, whether a major manufacturing change or otherwise, may be distributed only after the applicant validates the effects of the change on the identity, strength, quality, purity, and potency of the drug as these factors may relate to the safety or effectiveness of the drug (sections 506A(a)(1) and (b) of the act). This section recognizes that additional testing, beyond testing to ensure that an approved specification is met, is required to ensure unchanged identity, strength, quality, purity, or potency as these factors may relate to the safety or effectiveness of the drug.

2. A drug made with a major manufacturing change may be distributed only after the applicant submits a supplemental application to FDA and the supplemental application is approved by the agency. The application is required to contain information determined to be appropriate by FDA and include the information developed by the applicant when ''validating the effects of the change'' (section 506A(c)(1) of the act). The phrase ''validating the effects of the change,'' as used in this proposed rule, is not the same as ''validation'' required in FDA's current good manufacturing practice (CGMP) regulations (parts 210 and 211 (21 CFR parts 210 and 211)). Unless otherwise specified by FDA, some CGMP validation (e.g., process, equipment) data need not be filed in an NDA, abbreviated new drug application (ANDA), or license application for a biological product but should be retained at the facility and be available for review by FDA at its discretion. Some other CGMP validation information, in addition to the information validating the effects of the change specified in section 506A(c)(1) of the act, should be submitted in an NDA, ANDA, or license application for a biological product (e.g., sterilization and advantageous agent removal process validation).

3. A major manufacturing change is a manufacturing change determined by FDA to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Such changes include: (1) A change made in the qualitative or quantitative formulation of the drug involved or in the specifications in the approved application or license unless exempted by FDA by regulation or guidance; (2) a change determined by FDA by regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug manufactured without the change; and (3) other changes determined by FDA by regulation or guidance to have a substantial potential to adversely affect the safety or effectiveness of the drug (section 506A(c)(2) of the act).

4. FDA may require submission of a supplemental application for drugs made with manufacturing changes that are not major (section 506A(d)(1)(B) of the act) and establish categories of manufacturing changes for which a supplemental application is required (section 506A(d)(1)(C) of the act). In such a case the applicant may begin distribution of the drug 30 days after FDA receives a supplemental application unless the agency notifies the applicant within the 30-day period that prior approval of the application is required (section 506A(d)(3)(B)(i) of the act). FDA may also designate a category of manufacturing changes that permit the applicant to begin distributing a drug made with such changes upon receipt by the agency of a supplemental application for the change (section 506A(d)(3)(B)(ii) of the act). If FDA disapproves a supplemental application, the agency may order the manufacturer to cease the distribution of drugs that have been made with the disapproved change (section 506A(d)(3)(B)(iii) of the act).

5. FDA may authorize applicants to distribute drugs without submitting a supplemental application (section 506A(d)(1)(A) of the act) and may establish categories of manufacturing changes that may be made without submitting a supplemental application (section 506A(d)(1)(C) of the act). The applicant is required to submit a report to FDA on such a change and the report is required to contain information the agency deems to be appropriate and information developed by the applicant when validating the effects of the change. FDA may also specify the date on which the report is to be submitted (section 506A(d)(2)(A) of the act). If during a single year an applicant makes more than one manufacturing change subject to an annual reporting requirement, FDA may authorize the applicant to submit a single report containing the required information for all the changes made during the year

(annual report) (section 506A(d)(2)(B) of the act).

Section 506A of the act provides FDA with considerable flexibility to determine the information and filing mechanism required for the agency to assess the effect of manufacturing changes in the safety and effectiveness of the product. There is a corresponding need to retain such flexibility in the proposed regulations implementing section 506A of the act to ensure that the least burdensome means for reporting changes are available. FDA believes that such flexibility will allow it to be responsive to increasing knowledge of and experience with certain types of changes and help ensure the efficacy and safety of the products involved. For example, a change that may currently be considered to have a substantial potential to have an adverse effect on the safety or effectiveness of the product may, at a later date, based on new information or advances in technology, be determined to have a lesser potential to have such an adverse effect. Conversely, a change originally considered to have a minimal or moderate potential to have an adverse effect on the safety or effectiveness of the product may later, as a result of new information, be found to have an increased, substantial potential to adversely affect the product.

The agency believes it can more readily respond to knowledge gained from manufacturing experience, further research and data collection, and advances in technology by issuing regulations that set out broad, general categories of manufacturing changes and by using guidance documents to provide FDA's current thinking on the specific changes that fall into those general categories. The proposed rule would, therefore, help reduce the number of manufacturing changes specifically identified as requiring supplements.

The agency also understands that applicants expect some predictability on what type of reporting will be expected for specific changes. FDA intends to make available guidance documents to describe the agency's current interpretation of specific changes falling into the four filing categories and to modify the documents as needed to reflect changes based on new information. Section 506A of the act explicitly provides FDA the authority to use guidance documents to determine the type of changes that do or do not have a substantial potential to adversely affect the safety or effectiveness of the drug product. The use of guidance documents will allow FDA to more easily and quickly modify and update important information. (FDA's use of guidance documents under current §§ 314.70(a) and 601.12 has proven effective in accomplishing this goal.) Guidance documents will be developed according to the procedures set out in FDA's ''Good Guidance Practices'' published in the **Federal Register** of February 27, 1997 (62 FR 8961 at 8967 through 8972). A notice of availability of a draft guidance entitled ''Guidance for Industry: Changes to an Approved NDA or ANDA'' is published elsewhere in this issue of the **Federal Register**. This draft guidance covers recommended reporting categories for various postapproval manufacturing changes. Previously published guidances, including the SUPAC guidances, provide recommendations on reporting categories as well as the type of information that should be developed by the applicant to validate the effect of the change on the identity, strength, quality, purity, or potency of a product as they may relate to the safety or effectiveness of the product. To the extent that the recommendations on reporting categories in this guidance, when finalized, are inconsistent with previously published guidance, such as the SUPAC guidances, the recommended reporting categories in such prior guidance will be superseded by this new guidance upon its publication in final form. CDER intends to update the previously published guidances to make them consistent with this guidance.

FDA has also published a guidance entitled ''Changes to an Approved Application for Specified Biotechnology and Specified Synthetic Biological Products'' (62 FR 39904, July 24, 1997). FDA intends to update this guidance as appropriate based on any final rule that may issue as a result of this proposal.

IV. Description of the Proposed Rule

A. Definitions

FDA is proposing to amend the ''Definitions'' sections of the regulations on applications for FDA approval to market a new drug (§ 314.3) and a biological product (21 CFR 600.3) by adding definitions for ''specification'' and ''validate the effects of the change.'' These definitions are necessary to implement the provisions of section 506A of the act.

FDA is proposing to define ''specification'' as the quality standard (i.e., tests, analytical procedures, and acceptance criteria) provided in an approved application to confirm the quality of drug substances, drug products, intermediates, raw materials, reagents, and other components including container closure systems, and in-process materials. FDA is proposing to define ''specification'' because under section 506A of the act a ''major change'' includes a change ''in the specifications in the approved application or license.''

To clarify the meaning of the term ''acceptance criteria'' as used in the definition of ''specification,'' FDA is including in the proposed definition of ''specification'' the statement that ''acceptance criteria'' refers to numerical limits, ranges, or other criteria for the tests described. To determine if a material being tested complies with a specification, there must be predetermined criteria. These criteria may include numerical limits or ranges (e.g., not more than 1 percent) or other criteria (e.g., white to off-white in color).

FDA is proposing to define ''validate the effects of the change'' as an assessment of the effect of a manufacturing change on the identity, strength, quality, purity, or potency of a drug as these factors relate to the safety or effectiveness of the drug. FDA is proposing to define this phrase because section 506A of the act includes a requirement that a drug made with a manufacturing change may only be distributed after the applicant ''validates the effects of the change.'' Validating the effects of the change is important in determining whether manufacturing changes alter the identity, strength, quality, purity, or potency of a drug product as they relate to drug safety or effectiveness, and may require testing beyond that in an approved specification, such as testing to ensure pharmaceutical equivalence and/or bioequivalence.

B. Changes to an Approved Application

Current § 314.70(a) sets forth general requirements under which an applicant must notify FDA when making a change to an approved application. This section states that an applicant must notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application, and that the notice is required to describe the change fully. It also states that, depending on the type of change, the applicant must notify FDA of it in a supplement under current § 314.70(b) or (c) or by inclusion of the information in an annual report under current § 314.70(d). FDA is proposing to retain these general requirements under proposed § 314.70(a)(1). A similar provision is included in the regulations on changes to an approved application for biological products under current § 601.12(a). FDA is proposing to

redesignate this requirement as § 601.12(a)(1).

Proposed § 314.70(a)(2) would require the holder of an approved application under section 505 of the act to validate the effects of manufacturing changes on the identity, strength (e.g., assay and content uniformity), quality (e.g., physical, chemical, and biological properties), purity (e.g., impurities and degradation products) or potency (e.g., biological activity, bioavailability, and bioequivalence) of a drug as these factors may relate to the safety and effectiveness of the drug. These validation requirements must be met before a product made with a manufacturing change may be distributed. This amendment implements section 506A(a)(1) and (b) of the act. A similar provision is included in the regulations on changes to an approved application for biological products under current § 601.12(a). FDA is proposing to add minor wording changes for consistency with revised § 314.70 and to redesignate this requirement as § 601.12(a)(2). In addition, applicants continue to be subject to the validation requirements of parts 210 and 211 as mentioned previously.

Current § 314.70(a) states that notwithstanding the supplement submission requirements of current § 314.70(b) and (c), an applicant shall make a manufacturing change in accordance with ''a guideline, notice, or regulation published in the **Federal Register** that provides for a less burdensome notification of the change.'' For example, a type of manufacturing change subject to prior approval by FDA under current § 314.70(b) might be identified in a ''guideline, notice, or regulation'' as a change that could be reported in a supplement not requiring prior approval or in an annual report. In the SUPAC guidance documents, CDER used this provision to reduce the regulatory burden for submission of supplements for manufacturing changes that were not likely to adversely affect drug product quality or performance.

FDA is proposing to retain this requirement under proposed § 314.70(a)(3) and to add it to the regulations on changes to an approved application for biological products as proposed § 601.12(a)(3). This exception may be used as pharmaceutical science evolves for those changes that FDA no longer considers to have a substantial potential to have an adverse effect on the product. However, to ensure consistency with the principles of FDA's good guidance practices, proposed §§ 314.70(a)(3) and 601.12(a)(3) would eliminate the reference to a **Federal Register** ''notice'' and change the word ''guideline'' to ''guidance.'' Proposed § 314.70(a)(3) is expressly sanctioned in section 506A(c)(2)(A), (c)(2)(B), and (c)(2)(C) of the act which permit FDA to categorize manufacturing changes ''by regulation or guidance.''

Current § 314.70(c) states, in the introductory paragraph, that the applicant who submits a change being effected supplement to FDA must promptly revise all promotional labeling and drug advertising to make it consistent with any change in the labeling. FDA is proposing to retain this provision as proposed § 314.70(a)(4) and to add it to the regulations on changes to an approved application for biological products as proposed § 601.12(a)(4). Because the prompt revision of all promotional labeling and product advertising applies equally to all labeling changes (see § 314.81(b)(3)), FDA is proposing that this provision expressly apply to labeling changes requiring approval prior to the distribution of the product, labeling changes that may be submitted in a changes being effected supplement, and those changes that may be filed in an annual report.

Current § 314.70(a) also requires that, except for a supplemental application providing for a change in the labeling, the applicant, other than a foreign applicant, shall include in each supplemental application providing for a change under paragraph (b) or (c) of current § 314.70, a statement certifying that a field copy of the supplement has been provided to the applicant's home FDA district office. FDA is proposing to retain this requirement as proposed § 314.70(a)(5). However, as proposed, this section would omit the phrase ''other than a foreign applicant'' because foreign applicants now routinely supply field copies of supplements to the agency.

Proposed §§ 314.70(a)(6) and 601.12(a)(5) would add a requirement that a list of all changes contained in the supplement or annual report must be included in the cover letter for the supplement or annual report. For many years, most supplements and annual reports have routinely included such cover letters. Including a list of all changes in the cover letters will enable FDA to more efficiently locate and evaluate changes in what are often substantial documents, thus facilitating FDA review of supplements and annual reports.

C. Changes Requiring Supplement Submission and Approval Prior to Distribution of the Product Made Using the Change (Major Changes)

Certain drug or biological product manufacturing steps are so critical that changes in these steps must be submitted in a supplement to FDA and approved by FDA prior to distribution of the product made using the change. Similarly, certain labeling changes must be approved prior to distribution of the product with the new labeling. Current regulations at §§ 314.70(b) and (g)(1) and 601.12(b) set forth prior approval requirements. FDA is proposing to revise these regulations to implement section 506A of the act. Proposed § 314.70(b)(1) would implement section 506A(c)(1) and (c)(2) of the act and would require that a preapproval supplement must be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

Sometimes, during assessment of a change, an applicant will find that the manufacturing change will have an adverse effect on the identity, strength, quality, purity, or potency of the drug product. In many cases, the applicant will not implement this manufacturing change, but in some cases may still wish to do so. If an assessment concludes that a manufacturing change has adversely affected the identity, strength, quality, purity, or potency of the drug product, the change should be filed in a prior approval supplement, regardless of whether the change is one that normally does not need FDA approval prior to distribution of the product made with the change. The applicant could submit this change in a prior approval supplement with appropriate information to support the continued safety and effectiveness of the product. The agency will assess the effect of any adverse change in a drug product, as the change may relate to the safety or effectiveness of the product, during the review of the prior approval supplement.

Proposed § 314.70(b)(4) would retain the provision in current § 314.70(b) that provides that an applicant may request an expedited review of a supplement if a delay in making the change would impose an extraordinary hardship. Proposed § 314.70(b)(4) would also permit a request for an expedited review of a supplement for public health reasons. FDA is retaining the provision

for expedited review for extraordinary hardship reasons but wishes to clarify that these requests should be reserved for manufacturing changes made necessary by catastrophic events (e.g., fire) or by events that could not be reasonably foreseen and for which the applicant could not plan. FDA is also proposing to add this provision for expedited review, as proposed in § 314.70(b)(4), to the regulations on changes to an approved application for biological products as proposed § 601.12(b)(4). Requests for expedited review will be assessed on a case-by-case basis. All requests may not be granted.

Proposed § 314.70(b)(2) lists changes requiring supplement submission and FDA approval prior to distribution, including changes designated as major manufacturing changes in section 506A(c)(2) of the act and changes to certain biotechnology products that are currently subject to prior approval requirements under current § 314.70(g)(1). These changes have a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. The agency believes that the filing mechanism for these significant changes is unlikely to vary with technological advances or due to differences among products, and that these changes should be enumerated in the proposed regulations. The agency's continued prior review and approval of such changes is necessary to protect the public from products for which safety or effectiveness may have been compromised. The changes in proposed § 314.70(b)(2) would include but are not limited to the following changes.

1. Changes in the qualitative or quantitative formulation of the drug, including inactive ingredients, or in the specifications in the approved application or license, except as provided in proposed § 314.70(c) and (d) (proposed § 314.70(b)(2)(i)). Section 506A(c)(2)(A) of the act specifically requires that this change be submitted in a supplement requiring FDA approval prior to distribution. These types of changes are included under current § 314.70(b) and (g) as requiring a prior approval supplement. FDA is also proposing to revise current § 601.12(b)(2)(i) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(b)(2)(i).

2. Changes requiring completion of studies in accordance with part 320 (21 CFR part 320) to demonstrate the equivalence of the drug to the drug as manufactured without the change or to the reference listed drug (proposed § 314.70(b)(2)(ii)). A similar change is included under current § 314.70(g)(1) as requiring a prior approval supplement. FDA is proposing that these changes be submitted in a supplement requiring prior approval because section 506A of the act provides that a major manufacturing change shall include a change ''determined by the Secretary by regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug as manufactured without the change''(section 506A(c)(2)(B) of the act). The studies most likely to be conducted to support a manufacturing change would be bioavailability or bioequivalence studies conducted in humans in accordance with FDA regulations at part 320. Well-controlled clinical trials or nonclinical tests may also be used to establish bioavailability or bioequivalence (§ 320.24). These are the types of studies the statute refers to as demonstrating the equivalence of one drug to another. FDA proposes interpreting ''Appropriate clinical stud[ies],'' referenced in section 506A(c)(2)(B) of the act for NDA products, to be ''studies in accordance with part 320 of this chapter'' to clarify the types of studies triggering a prior approval supplement. This phrase is used in the proposed regulation at § 314.70(b)(2)(ii).

Section 506A of the act also states in part that ''equivalence of the drug to the drug as manufactured without the change'' should be demonstrated. FDA is including in proposed § 314.70(b)(2)(ii) the statement that the equivalence of the drug may sometimes be demonstrated by comparison to a reference listed drug. This is consistent with the drug approval requirements for generic drugs because, at the time of approval, a generic drug applicant is required to show equivalence between the proposed generic drug and a reference listed drug, and a proposed manufacturing change should not significantly change the equivalence demonstrated at the time of approval (§ 320.21(b)). For the more significant manufacturing changes for generic drugs, the applicant is required to conduct a bioequivalence study comparing the drug product made with the change to the reference listed drug. FDA is not proposing the same changes to § 601.12 because biological products are not subject to part 320 and have unique properties. Therefore, the agency will retain the wording in current § 601.12(b)(2)(ii).

3. Changes that may affect product sterility assurance, such as changes in product or component sterilization method(s) or an addition, deletion, or substitution of steps in an aseptic processing operation (proposed § 314.70(b)(2)(iii)). Current §§ 314.70(g)(1) and 601.12(b)(2)(vi) require a prior approval supplement for this change.

4. Changes in the synthesis or manufacture of the drug substance that may affect the impurity profile and/or the physical, chemical, or biological properties of the drug substance (proposed § 314.70(b)(2)(iv)). A similar change in current § 314.70(b)(1) requires a prior approval supplement.

5. Changes in labeling, except those described in proposed § 314.70(c)(6)(iii) (changes to add or strengthen certain warnings or statements), § 314.70(d)(2)(ix) (certain changes in the description or information about a drug), and § 314.70(d)(2)(x) (certain editorial or minor changes) (proposed § 314.70(b)(2)(v)). This change requires a prior approval supplement under current § 314.70(b)(3).

6. Changes in a container closure system that controls drug delivery or that may affect the impurity profile of the drug product (proposed § 314.70(b)(2)(vi)). Significant changes in container closure systems require a prior approval supplement under current § 314.70(b)(2).

7. Changes solely affecting a natural product, a recombinant deoxyribonucleic acid (DNA)-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody for: (1) Changes in the virus or adventitious agent removal or inactivation method(s); (2) changes in the source material or cell line; and (3) establishment of a new master cell bank or seed (proposed § 314.70(b)(2)(vii)). This change requires a prior approval supplement under current § 314.70(g)(1).

8. Changes to a product under an application subject to a validity assessment because of significant questions regarding the integrity of the data supporting that application (proposed § 314.70(b)(2)(viii)). Until questions about the integrity of the data in the application have been resolved, there are inadequate assurances that any change will not adversely affect the safety or effectiveness of the product. Moreover, a change to a product cannot be validated, as required under 506A(b) of the act, until the integrity of the underlying data in such application is validated. Consequently, there is a significant potential that the change will have an adverse effect on the identity, strength, quality, purity, or potency of the product. After a validity assessment has been completed, and data integrity

questions resolved, the holder of an approved application may submit supplements for manufacturing changes as otherwise provided in § 314.70.

FDA is proposing to describe additional specific examples of changes that have substantial, moderate, and minimal potential to adversely affect a product in guidance documents rather than enumerate them in this proposed regulation. As discussed previously, section 116 of the Modernization Act expressly states that the agency may through guidance categorize the manufacturing changes. FDA anticipates that scientific advances and future experience may reduce the need for premarket approval of certain changes, and the agency will respond to changed circumstances by revising the guidance documents. A notice of availability of a draft guidance document entitled ''Guidance for Industry: Changes to an Approved NDA or ANDA'' that provides more detailed recommendations on how to report proposed changes is being published elsewhere in this issue of the **Federal Register**, and the agency is soliciting comments on the guidance as well as on the proposed rule.

Current § 314.70(b)(1) requires that supplements requiring prior approval be submitted for the following changes in a drug substance: (1) Relaxing the limits for a specification (§ 314.70(b)(1)(i)); (2) establishing a new regulatory analytical method (§ 314.70(b)(1)(ii)); (3) deleting a specification or regulatory analytical method (§ 314.70(b)(1)(iii)); (4) changing the synthesis of the drug substance, including a change in solvents and a change in the route of synthesis (§ 314.70(b)(1)(iv)); and (5) using a different facility or establishment to manufacture the drug substance (§ 314.70(b)(1)(v)). FDA is proposing to revoke current § 314.70(b)(1)(i), (b)(1)(ii), and (b)(1)(iii) because these relate to a change in a specification which is already covered under proposed § 314.70(b)(1). FDA is proposing to revoke current § 314.70(b)(1)(iv) and (b)(1)(v) because some of these changes would fall into the proposed major manufacturing change category while others would fall into other proposed categories depending on whether the change is considered to have a substantial, moderate, or minimal potential to adversely affect the identity, strength, quality, purity, or potency of the drug as they may relate to the safety or effectiveness of the drug. FDA has decided not to include these changes in this proposed rule, but plans to provide recommendations on the filing mechanisms for these types of changes in the guidance documents discussed previously.

Current § 314.70(b)(2) requires that supplements requiring prior approval be submitted for the following changes in a drug product: (1) Adding or deleting an ingredient, or otherwise changing the composition of the drug product, other than deletion of an ingredient intended only to affect the color of the drug product (§ 314.70(b)(2)(i)); (2) relaxing the limits for a specification (§ 314.70(b)(2)(ii)); (3) establishing a new regulatory analytical method (§ 314.70(b)(2)(iii)); (4) deleting a specification or regulatory analytical method (§ 314.70(b)(2)(iv)); (5) changing the method of manufacture of the drug product, including changing or relaxing an in-process control (§ 314.70(b)(2)(v)); (6) using a different facility or establishment, including a different contract laboratory or labeler, to manufacture, process, or pack the drug product (§ 314.70(b)(2)(vi)); (7) changing the container and closure system for the drug product or changing a specification or regulatory analytical method for the container and closure system (§ 314.70(b)(2)(vii)); (8) changing the size of the container, except for solid dosage forms, without a change in the container and closure system (§ 314.70(b)(2)(viii)); (9) extending the expiration date of the drug product based on data obtained under a new or revised stability testing protocol that has not been approved in the application (§ 314.70(b)(2)(ix)); (10) establishing a new procedure for reprocessing a batch of the drug product that fails to meet specifications (§ 314.70(b)(2)(x)); (11) adding a code imprint by printing with ink on a solid oral dosage form drug product (§ 314.70(b)(2)(xi)); (12) adding a code imprint by embossing, debossing, or engraving on a modified release solid oral dosage form drug product (§ 314.70(b)(2)(xii)). FDA is proposing to revoke § 314.70(b)(2)(i) through (b)(2)(iv) because these provisions relate to a change in qualitative or quantitative formulation or a specification that is already covered under proposed § 314.70(b)(1). FDA is proposing to revoke current § 314.70(b)(2)(v) through (b)(2)(xii) because some changes would fall into the proposed major manufacturing changes category while others would fall into other proposed categories. FDA plans to provide recommendations on the filing mechanism for these changes in the guidance documents discussed previously.

Proposed § 314.70(b)(3) states that the applicant must obtain approval of a supplement from FDA before distributing a product using a change under § 314.70(b), and specifies information to be included in the supplement. The supplement must include: (1) A detailed description of the proposed change; (2) the product(s) involved; (3) the manufacturing site(s) or area(s) affected; (4) a description of the methods used and studies performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validating the effects of the change); (5) data derived from such studies; (6) for a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody, relevant validation protocols must be provided in addition to the requirements under § 314.70(b)(3)(iv) and (b)(3)(v); (7) for sterilization process and test methodologies, relevant validation protocols must be provided in addition to the requirements under § 314.70(b)(3)(iv) and (b)(3)(v); and (8) if applicable, a reference list of relevant standard operating procedures (SOP's). These supplement content requirements are already required under current §§ 314.70(g)(1)(iii) and 601.12(b)(3), and FDA is proposing to retain the requirements in this rule, except that the proposal specifies that relevant validation protocols and data apply to a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody, as well as protocols and data for sterilization processes and test methodologies.

Current § 314.70(g)(1)(iii) only applies to recombinant DNA-derived protein/polypeptide products or complexes or conjugates of a drug with a monoclonal antibody. Some information requirements listed under current § 314.70(g)(1)(iii) are not applicable to all CDER drug products. FDA is proposing to clarify the requirements in current § 314.70(g)(1)(iii) to describe the limited circumstances under which certain information would be required.

D. Changes Requiring Supplement Submission at Least 30 Days Prior to Distribution of the Drug Product Made Using the Change (Moderate Changes)

Current § 314.70(c) describes changes that may be made before FDA approval of a supplement. These include changes to enhance the safe use of a drug by adding specifications to strengthen warnings, or to delete false, misleading, or unsupported indications for use. Current § 314.70(g)(2) describes changes requiring supplement submission at least 30 days prior to distribution of the

product made using the change. These include changes in the site of testing from one facility to another, an increase or decrease in production scale during finishing steps that involves new or different equipment, and replacement of equipment with that of similar, but not identical, design and operating principle that does not affect the process methodology or process operating parameters. FDA recognizes that the public health can be adequately protected without requiring approval of certain manufacturing changes prior to distribution of the product made with the change. FDA continues to believe that it is important that such changes be documented and validated so there is a mechanism for assessing the consequences of the change and that the agency approve such changes. Ready access to information regarding such changes through submission of a supplement 30 days before distribution of the product would protect against the distribution of unsafe or ineffective products while speeding the availability of improved products.

Proposed § 314.70(c) implements section 506A(d)(1)(B) and (d)(3)(B)(i) of the act and provides that products made using changes listed under this section may be distributed not sooner than 30 days after receipt of a supplement by FDA. Proposed § 314.70(c)(1) would require that a supplement be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. Proposed § 314.70(c)(3) states that a supplement submitted under paragraph (c)(1) is required to give a full explanation of the basis for the change and identify the date on which the change is to be made, and that the supplement must be labeled ''Supplement—Changes Being Effected in 30 Days'' or, if applicable under paragraph (c)(6) of this section, ''Supplement—Changes Being Effected.''

Proposed § 314.70(c)(2) describes the types of changes that would be included under this section:

1. A change in the container closure system that does not affect the quality of the final drug product (proposed § 314.70(c)(2)(i)).

2. Changes solely affecting a natural protein product, a recombinant DNA-derived protein/polypeptide product or a complex or conjugate of a drug with a monoclonal antibody, including: (1) An increase or decrease in production scale during finishing steps that involves new or different equipment and (2) replacement of equipment with that of similar, but not identical, design and operating principle that does not affect the process methodology or process operating parameters (proposed § 314.70(c)(2)(ii)). These changes are listed in current § 314.70(g)(2) as requiring the submission of a supplement at least 30 days prior to distribution.

Current § 314.70(g)(2) lists a change in the site of testing from one facility to another as a change that must be filed in a supplement submitted at least 30 days prior to distribution. FDA has decided not to include a similar change in proposed § 314.70(c) and is proposing to delete this change from current § 601.12(c)(2)(i). FDA plans to provide recommendations on the filing mechanism for this change in the guidance documents discussed previously.

Proposed § 314.70(c)(4) states that distribution of a product made using a change under this section may begin not less than 30 days after receipt of a supplement by FDA. This section would also require that the same information listed in paragraph (b)(3), discussed previously, must be contained in the supplement required under proposed § 314.70(c).

Proposed § 314.70(c)(5) states that during the 30-day period following receipt of the supplement, FDA would perform a preliminary review to determine whether the supplement is complete and whether the type of change is appropriate for review as a supplement under proposed § 314.70(c). If the proposed change is determined to be a major change that should be submitted under proposed § 314.70(b), the agency would inform the applicant and the applicant would be required to receive FDA approval before a product produced with the change could be distributed. If FDA determines that the change is properly submitted as a supplement under § 314.70(c), but the required information is incomplete, the applicant would be required to supply the missing information and wait until FDA has determined that the supplement is in compliance before distributing the product. These provisions are provided in section 506A(d)(3) of the act. These requirements are included under current §§ 314.70(g)(2)(iv) and 601.12(c)(4) and FDA is retaining and expanding this requirement to cover all drugs.

Under proposed § 314.70(c)(7), if FDA disapproves a supplemental application under this section, the agency may order the manufacturer to cease distribution of the drug products made with the manufacturing change. This amendment would implement section 506A(d)(3)(B)(iii) of the act. FDA is also proposing to add this provision to the regulations on changes to an approved application for biological products as proposed § 601.12(c)(6).

E. Changes That May Be Implemented When FDA Receives a Supplement (Moderate Changes)

Under proposed § 314.70(c)(6), FDA may designate a category of changes for which the holder of an approved application making such a change may begin distribution of the drug upon receipt by FDA of a supplemental application for the change. This provision implements section 506A(d)(3)(B)(ii) of the act. FDA recognizes that the public health can be adequately protected without requiring approval of certain manufacturing changes prior to distribution of the product made with the change. FDA continues to believe that it is important that such changes be documented and validated so there is a mechanism for assessing the consequences of the changes and for the agency to approve such changes. However, based on FDA's experience, certain changes may be implemented when FDA receives the supplement, rather than delaying distribution for 30 days. In general, these changes provide the same or increased assurance that the product will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to have. Ready access to information by FDA regarding such changes, through the submission of a supplement, would protect against the distribution of unsafe or ineffective products while speeding the availability of improved products.

These changes include, but are not limited to:

1. The addition to a specification or changes in the methods or controls to provide increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess (proposed § 314.70(c)(6)(i)). A similar change is listed under current § 314.70(c). Proposed § 314.70(c)(6)(i) revises current § 314.70(c) to provide clarification based on the proposed definition of specification and to delete the reference to facilities. FDA plans to provide recommendations on the filing mechanism for facility changes in the guidance documents discussed previously.

2. A change in the size and/or shape of a container (containing the same

labeled amount of product) for a nonsterile drug product, except for solid dosage forms, without a change from one container closure system to another (proposed § 314.70(c)(6)(ii)). A similar change is listed under current § 314.70(b) as requiring prior approval. The proposal differs from the existing rule in that it only applies to nonsterile drug products, thereby reducing the potential risks and eliminating the need for a prior approval requirement. FDA is also clarifying that changes in container size relate to changes in the physical size of the container and do not include changes in the labeled amount of the drug.

3. Changes in the labeling to add or strengthen a contraindication, warning, precaution, or adverse reaction, or to add or strengthen a statement about drug abuse, dependence, psychological effect, or overdosage, or to add or strengthen an instruction about dosage and administration that is intended to increase the safe use of the product (proposed § 314.70(c)(6)(iii)(A), (c)(6)(iii)(B), and (c)(6)(iii)(C)). These changes are required under current § 314.70(c)(2), except that FDA is proposing to include labeling changes relating to adding or strengthening a statement about psychological effects to maintain consistency with current § 601.12(f)(2)(B).

4. The deletion of false, misleading, or unsupported indications for use or claims for effectiveness (proposed § 314.70(c)(6)(iii)(D)). This change is required under current § 314.70(c)(2).

5. Any other labeling changes specifically requested by FDA (proposed § 314.70(c)(6)(iii)(E)). FDA is proposing to include this change under this section to enable the agency to allow for labeling changes that normally require prior approval to be submitted in a changes being effected supplement when FDA specifically requests the change. FDA is also proposing to add this requirement to the regulations on changes to an approved application for biological products as proposed § 601.12(f)(2)(i)(E).

Current § 314.70(c)(3) lists the following changes to use a different facility or establishment to manufacture the drug substance that may be made before FDA approval: (1) Where the manufacturing process in the new facility or establishment does not differ materially from that in the former facility or establishment, and (2) where the new facility or establishment has received a satisfactory CGMP inspection within the previous 2 years covering that manufacturing process. FDA is proposing not to include these changes in this proposed rule but plans to provide recommendations on the filing mechanism for these changes in the guidance documents discussed previously.

F. Changes To Be Described in the Next Annual Report (Minor Changes)

Proposed § 314.70(d) would provide that changes to the product, production process, quality controls, equipment, or facilities that have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product would be documented by the applicant in the next annual report in accordance with current § 314.81(b)(2). This provision is provided in section 506A(d)(2) of the act. FDA recognizes that there are manufacturing changes that have minimal potential to have an adverse effect on a product's safety or effectiveness. FDA believes that prior agency approval of these changes is unnecessary and is proposing in § 314.70(d) that such changes would not be required to be approved by the agency. FDA continues to believe that it is important that such changes be documented and validated so there is a mechanism for assessing the consequences of the change. FDA can effectively assess compliance with § 314.70(d) and CGMP requirements for changes that have a minimal potential to adversely affect the product's safety or effectiveness by having ready access to information regarding such changes through submission of an annual report and by inspection.

Under proposed § 314.70(d)(2), these changes would include, but are not limited to:

1. Any change made to comply with an official compendium that is consistent with FDA requirements and provides increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess (proposed § 314.70(d)(2)(i)). Similar changes are listed in current § 314.70(d) and (g) as changes to be described in the next annual report. FDA is limiting the situations in which these changes can be submitted in an annual report because certain changes in a specification (e.g., deleting a test, relaxing acceptance criteria) are not considered to have minimal potential to effect a product's safety or effectiveness. FDA is also proposing to revise current § 601.12(d)(2)(i) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(i).

2. The deletion or reduction of an ingredient intended only to affect the color of the product (proposed § 314.70(d)(2)(ii)). A similar change is listed in current § 314.70(d) and (g)(3) which states that the deletion of an ingredient intended only to affect the color of the drug product should be submitted in an annual report. FDA is proposing to broaden this provision to include changes that reduce the quantity of an ingredient intended only to affect the color of the product. FDA is also proposing to revise current § 601.12(d)(2)(ii) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(ii).

3. The replacement of equipment with that of the same design and operating principles except for equipment used with a natural protein product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody (proposed § 314.70(d)(2)(iii)). FDA is proposing to add this change to clarify when certain changes in equipment could be reported in an annual report. In general, under current regulations (e.g., § 314.70(b)(2)(v)), changes in process, which may include changes in equipment, require a prior approval supplement and this proposal would reduce the regulatory burden without adversely affecting the quality of the drug product.

4. A change in the size and/or shape of a container containing the same number of dose units for a nonsterile solid dosage form, without a change from one container closure system to another (proposed § 314.70(d)(2)(iv)). A similar change is listed in current § 314.70(d) and (g)(3) which states that a change in the size of a container for a solid dosage form without a change from one container and closure system to another must be filed in an annual report. FDA is proposing to broaden this provision to include a change in the shape of the container. FDA is also clarifying that a change in container size relates to a change in the physical size of the container and does not include a change involving the number of dosage units. FDA is also proposing to revise current § 601.12(d)(2)(v) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(iv).

5. A change within the container closure system for a nonsterile drug product, based upon a showing of equivalency to the approved system under a protocol approved in the application or published in an official

compendium (proposed § 314.70(d)(2)(v)). A similar change is listed in current § 314.70(d) and (g)(3) which states that a change within the container and closure system for the drug product (for example, a change from one high density polyethylene (HDPE) to another HDPE), except a change in container size for nonsolid dosage forms, based upon a showing of equivalency to the approved system under a protocol approved in the application or published in an official compendium, should be submitted in an annual report. The current regulations limit this provision by excluding a change in container size for nonsolid dosage forms. FDA is proposing to broaden this provision to allow such changes for all nonsterile drug products. FDA is also proposing to revise current § 601.12(d)(2)(iv) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(v).

6. An extension of an expiration dating period based upon full shelf life data on full production batches obtained from a protocol approved in the application (proposed § 314.70(d)(2)(vi)). A similar change is listed under current § 314.70(d) and (g)(3) as one to be filed in an annual report. FDA is clarifying that the extension of an expiration date in an annual report should be based on data from full production batches. FDA is also proposing to revise current § 601.12(d)(2)(iii) regarding changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(vi).

7. The addition, deletion, or revision of an alternate analytical procedure that provides the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application (proposed § 314.70(d)(2)(vii)). A similar change is listed in current § 314.70(d) and (g)(3) which state that the addition or deletion of an alternate analytical method should be filed in an annual report. FDA is proposing to broaden this provision to include revisions of alternate analytical procedures. FDA is also clarifying that any changes in alternate analytical procedures should provide the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application. FDA is also proposing to revise current § 601.12(d)(2)(vii) in the regulations on changes to an approved application for biological products to be consistent with proposed § 314.70(d)(2)(vii).

8. The addition by embossing, debossing, or engraving of a code imprint to a solid oral dosage form drug product other than a modified release dosage form, or a minor change in an existing code imprint (proposed § 314.70(d)(2)(viii)). These changes are listed in current § 314.70(d) and (g)(3) as changes to be described in the next annual report.

9. A change in the labeling concerning the description of the drug product or in the information about how the drug is supplied, that does not involve a change in the dosage strength or dosage form (proposed § 314.70(d)(2)(ix)). These changes are listed in current § 314.70(d) as changes to be described in the next annual report.

10. An editorial or similar minor change in labeling (proposed § 314.70(d)(2)(x)). These changes are listed in current § 314.70(d) as changes to be described in the next annual report.

Under proposed § 314.70(d)(3), an applicant must submit in the annual report a list of all products involved and: (1) A statement by the holder of the approved application that the effects of the change have been validated; (2) a full description of the manufacturing and controls changes, including the manufacturing site(s) or area(s) involved; and (3) the date each change was made, a cross-reference to relevant validation protocol(s) and/or SOP's, and relevant data from studies and tests performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validating the effects of the change). FDA is also proposing to revise current § 601.12(d)(3) in the regulations on changes to an approved application for biological products to add, as proposed § 601.12(d)(3)(iii), the requirement that the applicant must submit a statement that the effects of the change have been validated.

G. Other Information

Under proposed § 314.70(e), an applicant may submit one or more protocols describing specific tests, validation studies, and acceptable limits to be achieved to demonstrate the lack of an adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Such protocols, or changes to a protocol, would be submitted as a supplement requiring prior approval from FDA prior to distribution of the drug. If the supplement is approved, the use of such a protocol in making the specified changes may justify a reduced reporting category for the change because of the reduced risk of an adverse effect. This proposed requirement is provided for in current §§ 314.70(g)(4) and 601.12(e).

Generally, when considering a change in the manufacture of a product, the manufacturer will prepare a protocol, often called a ''comparability protocol,'' identifying tests to be performed in evaluating the change and its effect on the product and defining the criteria against which the impact of the change will be evaluated. By providing FDA an opportunity to review and approve the comparability protocol before it is used by the applicant to evaluate a change, FDA can have greater assurance that the change is being properly evaluated and there is, therefore, less potential for the change to have an adverse effect on the safety or effectiveness of the product.

Under proposed § 314.70(f), an applicant would be required to comply with the patent information requirements under section 505(c)(2) of the act. This proposed requirement is identical to the current requirement at § 314.70(e).

Proposed § 314.70(g) would require an applicant claiming exclusivity under § 314.108 to include, with the supplemental application, information required under § 314.50(j). This proposed requirement is identical to the current requirement at § 314.70(f).

In addition to section 506A of the act, other sections of the act authorize FDA to revise §§ 314.70 and 601.12. Sections 301 and 501 of the act (21 U.S.C. 331 and 351) prohibit the manufacture, processing, packing, or holding of drugs that do not conform to CGMP; the use of unsafe color additives in or on a drug under section 721 of the act (21 U.S.C. 379e); and the distribution of a drug that differs in the strength, purity, or quality that it purports or is represented to possess. Sections 301 and 502 of the act (21 U.S.C. 352) prohibit false or misleading labeling of drugs, including, under section 201(n) of the act (21 U.S.C. 321(n)), failure to reveal material facts relating to potential consequences under customary conditions of use; drugs that lack adequate directions for use and adequate warnings; and the distribution of drugs that are dangerous to health when used in the manner suggested in their labeling. Under section 505 of the act, FDA will approve an NDA if the drug is shown to be safe and effective for its intended use and if, among other things, the methods used

in, and the facilities and controls used for, the manufacture, processing and packing of the drug are adequate to preserve its identity, strength, quality, and purity. Section 701 of the act (21 U.S.C. 371) authorizes FDA to issue regulations for the efficient enforcement of the act.

The Public Health Service Act (the PHS Act) provides additional authority for FDA to revise § 601.12. Section 351(a) of the PHS Act (42 U.S.C. 262(a)) provides that license applications for biological products may be approved upon a showing that the product is safe, pure, and potent and that the manufacturing facility meets standards designed to ensure continued safety, purity, and potency of the product. In addition, under section 351(b) of the PHS Act, biological products and their containers or packages may not be falsely labeled or marked.

V. Conforming Amendments

The regulations on supplements and changes to an approved application or license are cited throughout FDA's regulations. Because FDA is proposing to revise these regulations, the agency is taking this opportunity to make conforming amendments to 21 CFR parts 5, 206, 250, 314, 600, and 601 to reflect these proposed regulations. These conforming amendments will ensure the accuracy and consistency of the regulations.

VI. Analysis of Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million or adversely affecting in a material way a sector of the economy, competition, or jobs. Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities. Title II of the Unfunded Mandates Reform Act (in section 202) requires that agencies prepare a written assessment of anticipated costs and benefits before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million (adjusted annually for inflation).

The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866 and in these two statutes. As shown in the following paragraphs, the rule will not be significant as defined by the Executive Order and the Unfunded Mandates Reform Act, and the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The purpose of the proposed rule is to implement section 506A of the act and to reduce the number of manufacturing changes subject to supplements requiring FDA approval prior to product distribution. The proposed rule would affect all drug manufacturers that submit manufacturing supplements and would result in a substantial reduction in burdens to applicants making manufacturing changes subject to the proposed regulation. The proposed rule would permit earlier implementation of the changes and quicker marketing of products improved by manufacturing or labeling modifications. Faster implementation can result in marked gains in production efficiency, and generally reduces the paperwork burden associated with reporting the changes to the agency. For example, a report by the Eastern Research Group (ERG), an FDA contractor, on the effects of the SUPAC guidance for immediate release solid oral dosage forms (SUPAC–IR) found that reducing the number of changes that require preapproval gives companies greater control over their production resources, which could lead to significant net savings to industry (Eastern Research Group, *Pharmaceutical Industry Cost Savings Through Use of the Scale-Up and Post-Approval Guidance for Immediate Release Solid Oral Dosage Forms (SUPAC–IR)*, January 7, 1998, Contract No. 223–94–8301). Such economic incentives may encourage manufacturers to improve their products, product labeling, and methods of manufacture.

Due to the multiplicity of products and manufacturing changes, the agency has not estimated the total savings to industry as a result of this rule, but anticipates that they would increase over time. New information and technology will allow a greater number of changes to be reported in supplements that do not require prior approval or in annual reports. ERG estimated that companies may already have saved $71 million in 1997 due to the agency's implementation of more flexible reporting procedures for chemistry, manufacturing, and control changes. This proposed rule would broaden the potential scope of such savings. Because the proposal would benefit manufacturers regardless of size and impose no additional costs, the agency certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities.

VII. Paperwork Reduction Act of 1995

This proposed rule contains collections of information that are subject to review by OMB under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). ''Collection of information'' includes any request or requirement that persons obtain, maintain, retain, or report information to the agency, or disclose information to a third party or to the public (44 U.S.C. 3502(3) and 5 CFR 1320.3(c)). The title, description, and respondent description of the information collection are shown under this section VII with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Supplements and Other Changes to an Approved Application.

Description: The proposed rule would implement the manufacturing changes provision of section 116 of the Modernization Act and require manufacturers to validate the effect of any manufacturing change on the identity, strength, quality, purity, and potency of a drug or biological product as those factors relate to the safety or effectiveness of the product. The respondent would report the change to

FDA in one of the following ways depending on the potential for the change to have an adverse effect on the safety or effectiveness of the product: (1) Changes that have a substantial potential to have an adverse effect on a product would be submitted in a supplement requiring prior approval by FDA before distribution of the product made using the change; (2) changes that have a moderate potential to have an adverse effect on a product would be submitted to FDA in a supplement not less than 30 days prior to distribution of the product made using the change; (3) changes that have a moderate potential to have an adverse effect on a product would be submitted to FDA in a supplement at the time of distribution of the product made using the change ; and (4) changes that have a minimal potential to have an adverse effect on a product would be documented by the respondent in the next annual report.

Proposed §§ 314.70(a)(2) and 601.12(a)(2) would require the holder of an approved application to validate the effects of a manufacturing change on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug before distributing a drug made with the change. This proposed requirement implements the statutory requirement for information collection under section 506A(a) and (b) of the act and, therefore, no burden estimate has been calculated for this regulation.

Proposed §§ 314.70(a)(4) and 601.12(a)(4) would require the applicant to promptly revise all promotional labeling and advertising to make it consistent with any labeling change implemented. The transmittal to FDA of advertisements and promotional labeling for drugs and biologics is accompanied by Form FDA 2253 and regulated by §§ 314.81(b)(3)(i) and 601.12(f)(4). This information collection is approved by OMB until August 31, 2001, under OMB control number 0910–0376. Therefore, this requirement is not estimated in Table 1 of this document.

Proposed § 314.70(a)(5) would require that the applicant include in each supplement (except for a supplement providing for a change in the labeling) a statement certifying that a field copy of the supplement has been provided to the applicant's home FDA district office. Based on data concerning the number of supplements received by the agency, FDA estimates that approximately 4,278 certifications and field copies will be submitted annually as required by proposed § 314.70(a)(5). FDA estimates that approximately 594 applicants will submit these certifications and field copies. Preparation of a field copy would involve copying material already prepared for the supplement, and FDA estimates that it will take an average of 1 hour for applicants to include an additional field copy for FDA.

Proposed §§ 314.70(a)(6) and 601.12(a)(5) would require the applicant to include in the cover letter a list of all changes contained in the supplement or annual report. Based on data concerning the number of supplements and annual reports received by the agency, FDA estimates that approximately 11,913 lists of all changes in the supplement or annual report will be submitted annually as required by proposed § 314.70(a)(6). FDA estimates that approximately 704 applicants will submit these lists. Because the information required would be generated in preparing the supplement or annual report, the agency estimates that, under proposed § 314.70(a)(6), it will take approximately 1 hour to include a list of changes in a cover letter for a supplement or an annual report. FDA estimates that approximately 2,983 lists of all changes in the supplement or annual report will be submitted annually as required by proposed § 601.12(a)(5). FDA estimates that approximately 190 applicants will submit these lists. Because the information required would be generated in preparing the supplement or annual report, the agency estimates that, under proposed § 601.12(a)(5), it will take approximately 1 hour to include a list of changes in a cover letter for a supplement or an annual report.

Proposed § 314.70(b) and current § 601.12(b) set forth requirements for changes requiring supplement submission and approval prior to distribution of the product made using the change (major changes). Proposed § 314.70(b)(1) and current § 601.12(b)(1) state that a supplement must be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

Under proposed § 314.70(b)(3) and current § 601.12(b)(3), the applicant must obtain approval of a supplement from FDA prior to distribution of a product made using the change, and the following must be contained in the supplement: (i) A detailed description of the proposed change; (ii) The product(s) involved; (iii) The manufacturing site(s) or area(s) affected; (iv) A description of the methods used and studies performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validating the effects of the change); (v) The data derived from such studies; (vi) For a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody, relevant validation protocols must be provided; (vii) For sterilization process and test methodologies, relevant validation protocols must be provided; and (viii) A reference list of relevant standard operating procedures when applicable.

The changes requiring supplement submission and approval prior to distribution of the product made using the change (major changes) are listed in proposed § 314.70(b)(2) and current § 601.12(b)(2) (including proposed § 601.12(b)(2)(i)): (i) Changes in the qualitative or quantitative formulation of the drug, including inactive ingredients, or in the specifications provided in the approved application; (ii) Changes requiring completion of studies in accordance with 21 CFR part 320 to demonstrate the equivalence of the drug to the drug as manufactured without the change or to the reference listed drug; (iii) Changes that may affect product sterility assurance, such as changes in product or component sterilization method(s) or an addition, deletion, or substitution of steps in an aseptic processing operation; (iv) Changes in the synthesis or manufacture of the drug substance that may affect the impurity profile and/or the physical, chemical, or biological properties of the drug substance; (v) Certain changes in labeling; (vi) Changes in a container closure system that controls drug delivery or that may affect the impurity profile of the drug product; (vii) Changes solely affecting a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody for the following: (A) Changes in the virus or adventitious agent removal or inactivation method(s); (B) Changes in the source material or cell line; and (C) Establishment of a new master cell bank or seed; (viii) Changes to a product under an application that is subject to a validity assessment because of significant questions regarding the integrity of the data supporting that application.

Under proposed §§ 314.70(b)(4) and 601.12(b)(4), an applicant may ask FDA to expedite its review of a supplement for public health reasons or if a delay in making the change described in it would impose an extraordinary

hardship on the applicant. Such a supplement and its mailing cover should be marked: ''Prior Approval Supplement-Expedited Review Requested.''

Based on data concerning the number of supplements received by the agency, FDA estimates that approximately 1,744 supplements will be submitted annually under proposed § 314.70(b)(1) and (b)(3). FDA estimates that approximately 594 applicants will submit such supplements, and that it will take approximately 80 hours to prepare and submit to FDA each supplement. FDA estimates that approximately 903 supplements are submitted annually under § 601.12(b)(1) and (b)(3). FDA estimates that approximately 190 applicants submit such supplements, and that it takes approximately 80 hours to prepare and submit to FDA each supplement. The burden for an applicant's request, under proposed §§ 314.70(b)(4) and 601.12(b)(4), for FDA to expedite its review of a supplement is negligible and has not been estimated in Table 1 of this document.

Proposed § 314.70(c) and current § 601.12(c) set forth requirements for changes requiring supplement submission at least 30 days prior to distribution of the product made using the change (moderate changes). Proposed § 314.70(c)(1) and current § 601.12(c)(1) state that a supplement must be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. Under proposed § 314.70(c)(1), the applicant must submit 12 copies of final printed labeling for all labeling changes.

Under proposed § 314.70(c)(3) and current § 601.12(c)(1), the supplement must set forth a full explanation of the basis for the change and identify the date on which the change is to be made. The supplement must be labeled ''Supplement—Changes Being Effected in 30 Days.'' Under proposed § 314.70(c)(4) and current § 601.12(c)(3), distribution of the product made using the change may begin not less than 30 days after receipt of the supplement by FDA. The information listed previously for proposed § 314.70(b)(3) and current § 601.12(b)(3) must be contained in the supplement.

The changes requiring supplement submission at least 30 days prior to distribution of the product made using the change (moderate changes) are listed in proposed § 314.70(c)(2) (the changes in § 314.70(c)(2)(ii)(A) and (c)(2)(ii)(B) are also listed in current § 601.12(c)(2)): (i) A change in the container closure system that does not affect the quality of the final drug product; and (ii) Changes solely affecting a natural protein product, a recombinant DNA-derived protein/polypeptide product or a complex or conjugate of a drug with a monoclonal antibody, including: (A) An increase or decrease in production scale during finishing steps that involves new or different equipment; and (B) Replacement of equipment with that of similar, but not identical, design and operating principle that does not affect the process methodology or process operating parameters.

Based on data concerning the number of supplements received by the agency, FDA estimates that approximately 2,754 supplements will be submitted annually under proposed § 314.70(c)(1), (c)(3), and (c)(4). FDA estimates that approximately 594 applicants will submit such supplements, and that it will take approximately 50 hours to prepare and submit to FDA each supplement. FDA estimates that approximately 255 supplements are submitted annually under § 601.12(c)(1) and (c)(3). FDA estimates that approximately 98 applicants submit such supplements, and that it takes approximately 50 hours to prepare and submit to FDA each supplement.

Under proposed § 314.70(c)(6) and current § 601.12(c)(5), FDA may designate a category of changes for the purpose of providing that, in the case of a change in such category, the holder of an approved application may commence distribution of the drug upon receipt by the agency of a supplement for the change. These changes include: (i) Addition to a specification or changes in the methods or controls to provide increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess; (ii) A change in the size and/or shape of a container for a nonsterile drug product, except for solid dosage forms, without a change in the labeled amount of product or from one container closure system to another; (iii) Changes in the labeling to accomplish any of the following: (A) To add or strengthen a contraindication, warning, precaution, or adverse reaction; (B) To add or strengthen a statement about drug abuse, dependence, psychological effect, or overdosage; (C) To add or strengthen an instruction about dosage and administration that is intended to increase the safe use of the product; (D) To delete false, misleading, or unsupported indications for use or claims for effectiveness; or (E) Any other changes specifically requested by FDA. Under proposed § 314.70(c)(3) and current § 601.12(c)(1), the supplement must be labeled ''Supplement—Changes Being Effected.''

Based on data concerning the number of supplements received by the agency, FDA estimates that approximately 486 supplements will be submitted annually under proposed § 314.70(c)(6). FDA estimates that approximately 486 applicants will submit such supplements, and that it will take approximately 50 hours to prepare and submit to FDA each supplement. FDA estimates that approximately 47 supplements are submitted annually under § 601.12(c)(5). FDA estimates that approximately 34 applicants submit such supplements, and that it takes approximately 50 hours to prepare and submit to FDA each supplement.

Proposed § 314.70(d) and current § 601.12(d) set forth requirements for changes to be described in an annual report (minor changes). Proposed § 314.70(d)(1) and current § 601.12(d)(1) state that changes in the product, production process, quality controls, equipment, or facilities that have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product must be documented by the applicant in the next annual report.

Under proposed § 314.70(d)(3) and current § 601.12(d)(3) (including proposed § 601.12(d)(3)(iii)), the applicant must submit in the annual report a list of all products involved; and (i) A statement by the holder of the approved application that the effects of the change have been validated; (ii) A full description of the manufacturing and controls changes, including the manufacturing site(s) or area(s) involved; and (iii) The date each change was made, a cross-reference to relevant validation protocols and/or SOP's, and relevant data from studies and tests performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validation).

The changes to be described in an annual report (minor changes) are listed in proposed § 314.70(d)(2) and current § 601.12(d)(2) (including proposed § 601.12(d)(2)(i) through (d)(2)(v) and (d)(2)(vii)): (i) Any change made to comply with an official compendium that is consistent with FDA requirements and provides increased assurance that the drug will have the

characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess; (ii) The deletion or reduction of an ingredient intended to affect only the color of the product; (iii) Replacement of equipment with that of the same design and operating principles except for equipment used with a natural protein product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody; (iv) A change in the size and/or shape of a container containing the same number of dosage units for a nonsterile solid dosage form, without a change from one container closure system to another; (v) A change within the container closure system for a nonsterile drug product, based upon a showing of equivalency to the approved system under a protocol approved in the application or published in an official compendium; (vi) An extension of an expiration dating period based upon full shelf-life data obtained from a protocol approved in the application; (vii) The addition, deletion, or revision of an alternate analytical procedure that provides the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application; (viii) The addition by embossing, debossing, or engraving of a code imprint to a solid oral dosage form drug product other than a modified release dosage form, or a minor change in an existing code imprint; (ix) A change in the labeling concerning the description of the drug product or in the information about how the drug is supplied, that does not involve a change in the dosage strength or dosage form; and (x) An editorial or similar minor change in labeling.

Based on data concerning the number of supplements and annual reports received by the agency, FDA estimates that approximately 6,929 annual reports will include documentation of certain manufacturing changes as required under proposed § 314.70(d)(1) and (d)(3). FDA estimates that approximately 704 applicants will submit such information, and that it will take approximately 10 hours to prepare and submit to FDA the information for each annual report. FDA estimates that approximately 227 annual reports include documentation of certain manufacturing changes as required under current § 601.12(d)(1) and (d)(3). FDA estimates that approximately 166 applicants submit such information, and that it takes approximately 10 hours to prepare and submit to FDA the information for each annual report. Proposed § 314.70(d)(3) and current § 601.12(d)(3) require a statement by the applicant that the effects of the change have been validated. This information is developed by the applicant to validate the effects of the change regarding identity, strength, quality, purity, and potency, and is expressly required to be submitted under section 506A(d)(3)(A) of the act. Therefore, the burden associated with such collection of information is not included in the estimates of Table 1 of this document.

The proposed regulation would reduce the overall number of manufacturing changes subject to supplements, particularly those requiring FDA approval prior to product distribution. Many changes that are currently reported in supplements would be reported in annual reports. Supplement submissions contain more burdensome reporting requirements than a submission through an annual report. The proposed regulation would not increase the number of annual reports but would allow applicants to include in an annual report information currently required to be reported to the agency in a supplemental application. The number of manufacturing changes currently reported in supplements that would be reported in annual reports is approximately 1,283.

Proposed § 314.70(e) and current § 601.12(e) state that an applicant may submit one or more protocols describing the specific tests and validation studies and acceptable limits to be achieved to demonstrate the lack of adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Any such protocols, or changes to a protocol, must be submitted as a supplement requiring approval from FDA prior to distribution of a drug produced with the manufacturing change. The supplement, if approved, may subsequently justify a reduced reporting category for the particular change because the use of the protocol for that type of change reduces the potential risk of an adverse effect.

Based on data concerning the number of supplements received by the agency, FDA estimates that approximately 50 protocols will be submitted annually under proposed § 314.70(e). FDA estimates that approximately 50 applicants will submit such protocols, and that it will take approximately 20 hours to prepare and submit to FDA each protocol. FDA estimates that approximately 20 protocols are submitted annually under § 601.12(e). FDA estimates that approximately 14 applicants submit such protocols, and that it takes approximately 20 hours to prepare and submit to FDA each protocol.

Current § 601.12(f) sets forth the requirements for supplement submission for labeling changes for biological products. Current § 601.12(f)(2)(i)(A) through (f)(2)(i)(D) specify those labeling changes for which an applicant must submit a supplement to FDA at the time the change is made. Proposed § 601.12(f)(2)(i)(E) would add ''any other changes specifically requested by FDA'' to these types of changes. FDA estimates that approximately 12 labeling supplements are submitted annually under current § 601.12(f)(1). FDA estimates that approximately 12 applicants submit these supplements, and that it takes approximately 40 hours to prepare and submit to FDA each supplement. FDA estimates that approximately 10 labeling supplements are submitted annually under current § 601.12(f)(2), including those that would be submitted under proposed § 601.12(f)(2)(i)(E). FDA estimates that approximately 10 applicants submit these supplements, and that it takes approximately 20 hours to prepare and submit to FDA each supplement. FDA estimates that approximately 100 annual reports for labeling changes are submitted under current § 601.12(f)(3). FDA estimates that approximately 70 applicants submit these reports, and that it takes approximately 10 hours to prepare and submit to FDA each report. FDA estimates that approximately 1,495 labeling supplements are submitted annually under current § 601.12(f)(4). FDA estimates that approximately 61 applicants submit these supplements, and that it takes approximately 10 hours to prepare and submit to FDA each supplement.

Proposed § 314.70(f) states that an applicant must comply with the patent information requirements under section 505(c)(2) of the act. Proposed § 314.70(g) states that an applicant must include any applicable exclusivity information with a supplement as required under § 314.50(j). Patent and exclusivity information collection requirements are approved by OMB until May 31, 2001, under OMB control number 0910–0305. Therefore, this requirement is not estimated in Table 1 of this document.

Description of Respondents: Business or other for-profit organizations.

In compliance with section 3507(d) of the PRA (44 U.S.C. 3507(d)), the agency has submitted a copy of this proposed rule to OMB for its review and approval of these information collections.

Interested persons are requested to send comments regarding this collection of information, including suggestions for reducing this burden, to the Office of Information and Regulatory Affairs, OMB (address above), Attn: Wendy Taylor, Desk Officer for FDA. Submit written comments on the collection of information by July 28, 1999.

TABLE 1.—Estimated Annual Reporting Burden[1]

21 CFR Section	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
314.70(a)(5)	594	7	4,278	1	4,278
314.70(a)(6)	704	17	11,913	1	11,913
314.70(b)(1) and (b)(3)	594	3	1,744	80	139,520
314.70(c)(1),(c)(3), and (c)(4)	594	5	2,754	50	137,700
314.70(c)(6)	486	1	486	50	24,300
314.70(d)(1) and (d)(3)	704	10	6,929	10	69,290
314.70(e)	50	1	50	20	1,000
601.12(a)(5)	190	16	2,983	1	2,983
601.12(b)(1) and (b)(3)	190	5	903	80	72,240
601.12(c)(1) and (c)(3)	98	3	255	50	12,750
601.12(c)(5)	34	1	47	50	2,350
601.12(d)(1) and (d)(3) 6	1	227	10	2,270	
601.12(e)	14	1	20	20	400
601.12(f)(1)	12	1	12	40	480
601.12(f)(2)	10	1	10	20	200
601.12(f)(3)	70	1	100	10	1,000
601.12(f)(4)	61	25	1,495	10	14,950
Total					497,624

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

VIII. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Request for Comments

Interested persons may, on or before September 13, 1999, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Submit written comments on the information collection requirements as described in paragraph VII of this document by July 28, 1999.

List of Subjects

21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

21 CFR Parts 206 and 250

Drugs.

21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

21 CFR Part 600

Biologics, Reporting and recordkeeping requirements.

21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 5, 206, 250, 314, 600, and 601 be amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; 15 U.S.C. 1451–1461; 21 U.S.C. 41–50, 61–63, 141–149, 321–394, 467f, 679(b), 801–886, 1031–1309; 35 U.S.C. 156; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1; 1395y, 3246b, 4332, 4831(a), 10007–10008, E.O. 11921, 41 FR 24294, 3 CFR, 1977 Comp., p. 124–131; E.O. 12591, 52 FR 13414, 3 CFR, 1988 Comp., p. 220–223.

§ 5.80 [Amended]

2. Section 5.80 *Approval of new drug applications and their supplements* is amended in the first sentence of paragraphs (d) and (f) by removing the phrase ''§§ 314.70(b)(1), (b)(2)(ii) through (b)(2)(x), (c)(1), and (c)(3)'' and by adding in its place the phrase ''§ 314.70(b)(1), (b)(2)(i) excluding changes in qualitative or quantitative formulation, (b)(2)(iii), (b)(2)(iv), (b)(2)(vi), (b)(2)(vii), (c)(2)(i), (c)(2)(ii), (c)(6)(i), and (c)(6)(ii)''; and in the first sentence of paragraph (e) by removing the phrase ''§§ 314.70(b)(3) and (c)(2)(i) through (c)(2)(iv)'' and by adding in its place the phrase ''§ 314.70(b)(2)(v) and (c)(6)(iii)''.

PART 206—IMPRINTING OF SOLID ORAL DOSAGE FORM DRUG PRODUCTS FOR HUMAN USE

3. The authority citation for 21 CFR part 206 is revised to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 371; 42 U.S.C. 262.

§ 206.10 [Amended]

4. Section 206.10 *Code imprint required* is amended in the first sentence of paragraph (b) by removing the phrase ''§ 314.70(b)(2)(xi) or (b)(2)(xii)'' and by adding in its place the phrase ''§ 314.70(b)''.

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

5. The authority citation for 21 CFR part 250 continues to read as follows:

Authority: 21 U.S.C. 321, 336, 342, 352, 353, 355, 361(a), 362(a) and (c), 371, 375(b).

§ 250.250 [Amended]

6. Section 250.250 *Hexachlorophene, as a component of drug and cosmetic products* is amended in the last sentence of paragraph (c)(4)(ii) by removing the phrase ''§ 314.70(c)(2)'' and by adding in its place the phrase ''§ 314.70(c)(6)(iii)''.

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

7. The authority citation for 21 CFR part 314 is revised to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356a, 371, 374, 379e.

8. Section 314.3 is amended in paragraph (b) by alphabetically adding the definitions for ''Specification'' and ''Validate the effects of the change'' to read as follows:

§ 314.3 Definitions.

* * * * *

(b) * * *

Specification means the quality standard (i.e., tests, analytical procedures, and acceptance criteria) provided in an approved application to confirm the quality of drug substances, drug products, intermediates, raw materials, reagents, and other components including container closure systems, and in-process materials. For the purpose of this definition, *acceptance criteria* means numerical limits, ranges, or other criteria for the tests described.

* * * * *

Validate the effects of the change means to assess the effect of a manufacturing change on the identity, strength, quality, purity, or potency of a drug as these factors relate to the safety or effectiveness of the drug.

9. Section 314.50 is amended in paragraph (d)(1)(ii)(*b*) by removing the phrase ''specifications and test procedures'' and by adding in its place the word ''specification''; in paragraph (d)(1)(v) by removing the phrase ''Except for a foreign applicant, the'' and by adding in its place the word ''The''; in paragraph (d)(3)(i) by adding the word ''procedures'' after the word ''analytical''; in paragraph (d)(3)(ii) by removing the phrases ''specifications or analytical methods'' and ''specification or analytical methods'' each time they appear and by adding in their places the phrase ''tests, analytical procedures, and acceptance criteria''; in paragraph (d)(4)(iv) by removing the word ''methods'' and by adding in its place the word ''procedures''; in the last sentence of paragraph (e)(1) introductory text and in the first sentence of paragraph (e)(2)(i) by removing the word ''methods'' each time it appears and by adding in its place the word ''procedures''; and by revising the first two sentences of paragraphs (d)(1)(i) and (d)(1)(ii)(*a*) to read as follows:

§ 314.50 Content and format of an application.

* * * * *

(d) * * *

(1) * * *

(i) *Drug substance*. A full description of the drug substance including its physical and chemical characteristics and stability; the name and address of its manufacturer; the method of synthesis (or isolation) and purification of the drug substance; the process controls used during manufacture and packaging; and the specifications necessary to ensure the identity, strength, quality, and purity of the drug substance and the bioavailability of the drug products made from the substance, including, for example, tests, analytical procedures, and acceptance criteria relating to stability, sterility, particle size, and crystalline form. The application may provide additionally for the use of alternatives to meet any of these requirements, including alternative sources, process controls, and analytical procedures. * * *

(ii)(*a*) *Drug product*. A list of all components used in the manufacture of the drug product (regardless of whether they appear in the drug product) and a statement of the composition of the drug product; the specifications for each component; the name and address of each manufacturer of the drug product; a description of the manufacturing and packaging procedures and in-process controls for the drug product; the specifications necessary to ensure the identity, strength, quality, purity, potency, and bioavailability of the drug product, including, for example, tests, analytical procedures, and acceptance criteria relating to sterility, dissolution rate, containers and closure systems; and stability data with proposed expiration dating. The application may provide additionally for the use of alternatives to meet any of these requirements, including alternative components, manufacturing and packaging procedures, in-process controls, and analytical procedures. * * *

* * * * *

§ 314.60 [Amended]

10. Section 314.60 *Amendments to an unapproved application* is amended in paragraph (c) by removing the phrase '', other than a foreign applicant,''.

11. Section 314.70 is revised to read as follows:

§ 314.70 Supplements and other changes to an approved application.

(a) *Changes to an approved application*. (1) The applicant shall notify FDA about each change in each condition established in an approved application beyond the variations already provided for in the application. The notice is required to describe the change fully. Depending on the type of change, the applicant shall notify FDA about it in a supplement under paragraph (b) or (c) of this section or by inclusion of the information in the annual report to the application under paragraph (d) of this section.

(2) The holder of an approved application under section 505 of the act shall validate the effects of the change on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug before distributing a drug made with a manufacturing change.

(3) Notwithstanding the requirements of paragraphs (b) and (c) of this section, an applicant shall make a change provided for in those paragraphs in accordance with a regulation or guidance that provides for a less burdensome notification of the change (for example, by submission of a supplement that does not require approval prior to distribution of the product or in an annual report).

(4) The applicant shall promptly revise all promotional labeling and advertising to make it consistent with any labeling change implemented in accordance with this section.

(5) Except for a supplement providing for a change in the labeling, the applicant shall include in each supplemental application providing for a change under paragraph (b) or (c) of this section a statement certifying that a field copy of the supplement has been provided to the applicant's home FDA district office.

(6) A supplement or annual report shall include in the cover letter a list of all changes contained in the supplement or annual report.

(b) *Changes requiring supplement submission and approval prior to distribution of the product made using the change (major changes)*. (1) A supplement shall be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product.

(2) These changes include, but are not limited to:

(i) Except as provided in paragraphs (c) and (d) of this section, changes in the qualitative or quantitative formulation of the drug, including inactive ingredients, or in the specifications provided in the approved application;

(ii) Changes requiring completion of studies in accordance with part 320 of this chapter to demonstrate the equivalence of the drug to the drug as manufactured without the change or to the reference listed drug;

(iii) Changes that may affect product sterility assurance, such as changes in product or component sterilization method(s) or an addition, deletion, or substitution of steps in an aseptic processing operation;

(iv) Changes in the synthesis or manufacture of the drug substance that may affect the impurity profile and/or the physical, chemical, or biological properties of the drug substance;

(v) Changes in labeling, except those described in paragraphs (c)(6)(iii), (d)(2)(ix), or (d)(2)(x) of this section;

(vi) Changes in a container closure system that controls drug delivery or that may affect the impurity profile of the drug product;

(vii) Changes solely affecting a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody for the following:

(A) Changes in the virus or adventitious agent removal or inactivation method(s);

(B) Changes in the source material or cell line; and

(C) Establishment of a new master cell bank or seed.

(viii) Changes to a product under an application that is subject to a validity assessment because of significant questions regarding the integrity of the data supporting that application.

(3) The applicant must obtain approval of a supplement from FDA prior to distribution of a product made using a change under paragraph (b) of this section. Except for submissions under paragraph (e) of this section, the following shall be contained in the supplement:

(i) A detailed description of the proposed change;

(ii) The product(s) involved;

(iii) The manufacturing site(s) or area(s) affected;

(iv) A description of the methods used and studies performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validating the effects of the change);

(v) The data derived from such studies;

(vi) For a natural product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody, relevant validation protocols shall be provided in addition to the requirements in paragraphs (b)(3)(iv) and (b)(3)(v) of this section; and

(vii) For sterilization process and test methodologies, relevant validation protocols shall be provided in addition to the requirements in paragraphs (b)(3)(iv) and (b)(3)(v) of this section; and

(viii) A reference list of relevant standard operating procedures (SOP's) when applicable.

(4) An applicant may ask FDA to expedite its review of a supplement for public health reasons or if a delay in making the change described in it would impose an extraordinary hardship on the applicant. Such a supplement and its mailing cover should be plainly marked: ''Prior Approval Supplement-Expedited Review Requested.''

(c) *Changes requiring supplement submission at least 30 days prior to distribution of the drug product made using the change (moderate changes).* (1) A supplement shall be submitted for any change in the product, production process, quality controls, equipment, or facilities that has a moderate potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product. If the change concerns labeling, include 12 copies of final printed labeling.

(2) These changes include, but are not limited to:

(i) A change in the container closure system that does not affect the quality of the final drug product; and

(ii) Changes solely affecting a natural protein product, a recombinant DNA-derived protein/polypeptide product or a complex or conjugate of a drug with a monoclonal antibody, including:

(A) An increase or decrease in production scale during finishing steps that involves new or different equipment; and

(B) Replacement of equipment with that of similar, but not identical, design and operating principle that does not affect the process methodology or process operating parameters.

(3) A supplement submitted under paragraph (c)(1) of this section is required to give a full explanation of the basis for the change and identify the date on which the change is to be made. The supplement shall be labeled ''Supplement—Changes Being Effected in 30 Days'' or, if applicable under paragraph (c)(6) of this section, ''Supplement—Changes Being Effected.''

(4) Pending approval of the supplement by FDA, except as provided in paragraph (c)(6) of this section, distribution of the product made using the change may begin not less than 30 days after receipt of the supplement by FDA. The information listed in paragraphs (b)(3)(i) through (b)(3)(viii) of this section shall be contained in the supplement.

(5) The applicant shall not distribute the product made using the change if within 30 days following FDA's receipt of the supplement, FDA informs the applicant that either:

(i) The change requires approval prior to distribution of the product in accordance with paragraph (b) of this section; or

(ii) Any of the information required under paragraph (c)(4) of this section is missing; the applicant shall not distribute the product made using the change until FDA determines that compliance with this section is achieved.

(6) The agency may designate a category of changes for the purpose of providing that, in the case of a change in such category, the holder of an approved application may commence distribution of the drug involved upon receipt by the agency of a supplement for the change. These changes include, but are not limited to:

(i) Addition to a specification or changes in the methods or controls to provide increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess;

(ii) A change in the size and/or shape of a container for a nonsterile drug product, except for solid dosage forms, without a change in the labeled amount of product or from one container closure system to another;

(iii) Changes in the labeling to accomplish any of the following:

(A) To add or strengthen a contraindication, warning, precaution, or adverse reaction;

(B) To add or strengthen a statement about drug abuse, dependence, psychological effect, or overdosage;

(C) To add or strengthen an instruction about dosage and administration that is intended to increase the safe use of the product;

(D) To delete false, misleading, or unsupported indications for use or claims for effectiveness; or

(E) Any other changes specifically requested by FDA.

(7) If the agency disapproves the supplemental application, it may order the manufacturer to cease distribution of the drug products made with the manufacturing change.

(d) *Changes to be described in an annual report (minor changes).* (1) Changes in the product, production process, quality controls, equipment, or facilities that have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product shall be documented by the applicant in the next annual report in accordance with § 314.81(b)(2).

(2) These changes include, but are not limited to:

(i) Any change made to comply with an official compendium that is consistent with FDA requirements and provides increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess;

(ii) The deletion or reduction of an ingredient intended to affect only the color of the product;

(iii) Replacement of equipment with that of the same design and operating principles except for equipment used with a natural protein product, a recombinant DNA-derived protein/polypeptide product, or a complex or conjugate of a drug with a monoclonal antibody;

(iv) A change in the size and/or shape of a container containing the same number of dosage units for a nonsterile solid dosage form, without a change from one container closure system to another;

(v) A change within the container closure system for a nonsterile drug product, based upon a showing of equivalency to the approved system under a protocol approved in the application or published in an official compendium;

(vi) An extension of an expiration dating period based upon full shelf life data on full production batches obtained from a protocol approved in the application;

(vii) The addition, deletion, or revision of an alternate analytical procedure that provides the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application;

(viii) The addition by embossing, debossing, or engraving of a code imprint to a solid oral dosage form drug product other than a modified release dosage form, or a minor change in an existing code imprint;

(ix) A change in the labeling concerning the description of the drug product or in the information about how the drug is supplied, that does not involve a change in the dosage strength or dosage form; and

(x) An editorial or similar minor change in labeling.

(3) For changes under this category, the applicant is required to submit in the annual report a list of all products involved; and

(i) A statement by the holder of the approved application that the effects of the change have been validated;

(ii) A full description of the manufacturing and controls changes, including the manufacturing site(s) or area(s) involved; and

(iii) The date each change was made, a cross-reference to relevant validation protocols and/or SOP's, and relevant data from studies and tests performed to evaluate the effect of the change on the identity, strength, quality, purity, or potency of the product as these factors may relate to the safety or effectiveness of the product (validation).

(e) *Protocols.* An applicant may submit one or more protocols describing the specific tests and validation studies and acceptable limits to be achieved to demonstrate the lack of adverse effect for specified types of manufacturing changes on the identity, strength, quality, purity, or potency of the drug as these factors may relate to the safety or effectiveness of the drug. Any such protocols, or changes to a protocol, shall be submitted as a supplement requiring approval from FDA prior to distribution of a drug produced with the manufacturing change. The supplement, if approved, may subsequently justify a reduced reporting category for the particular change because the use of the protocol for that type of change reduces the potential risk of an adverse effect.

(f) *Patent information.* The applicant shall comply with the patent information requirements under section 505(c)(2) of the act.

(g) *Claimed exclusivity.* If an applicant claims exclusivity under § 314.108 upon approval of a supplement for change to its previously approved drug product, the applicant shall include with its supplement the information required under § 314.50(j).

§ 314.81 [Amended]

12. Section 314.81 *Other postmarketing reports* is amended in paragraph (b)(1)(ii) by removing the word ''specifications'' and by adding in its place the word ''specification''.

§ 314.94 [Amended]

13. Section 314.94 *Content and format of an abbreviated application* is amended in the second sentence of paragraph (d)(2) by removing the word ''methods'' each time it appears and by adding in its place the word ''procedures''.

§ 314.410 [Amended]

14. Section 314.410 *Imports and exports of new drugs* is amended in paragraph (b)(2) by removing the word ''specifications'' and by adding in its place the word ''specification''.

§ 314.430 [Amended]

15. Section 314.430 *Availability for public disclosure of data and information in an application or abbreviated application* is amended in paragraph (e)(6) by removing the word ''method'' and by adding in its place the word ''procedure''.

PART 600—BIOLOGICAL PRODUCTS: GENERAL

16. The authority citation for 21 CFR part 600 is revised to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 353, 355, 356a, 360, 360i, 371, 374; 42 U.S.C. 216, 262, 263, 263a, 264, 300aa–25.

17. Section 600.3 is amended by adding paragraphs (hh) and (ii) to read as follows:

§ 600.3 Definitions.

* * * * *

(hh) *Specification*, as used in § 601.12 of this chapter, means the quality standard (i.e., tests, analytical procedures, and acceptance criteria) provided in an approved application to confirm the quality of drug substances, drug products, intermediates, raw materials, reagents, and other components including container closure systems, and in-process materials. For the purpose of this definition, *acceptance criteria* means numerical limits, ranges, or other criteria for the tests described.

(ii) *Validate the effects of the change*, as used in § 601.12 of this chapter, means to assess the effect of a manufacturing change on the identity, strength, quality, purity, or potency of a drug as these factors relate to the safety or effectiveness of the drug.

PART 601—LICENSING

18. The authority citation for 21 CFR part 601 is revised to read as follows:

Authority: 15 U.S.C. 1451–1561; 21 U.S.C. 321, 351, 352, 353, 355, 356a, 360c–360f, 360h–360j, 371, 374, 379e, 381; 42 U.S.C. 216, 241, 262, 263.

19. Section 601.12 is amended by revising paragraphs (a), (b)(2)(i), (d)(2)(i) through (d)(2)(v), and (d)(2)(vii); by adding paragraph (b)(4), (c)(6), (d)(3)(iii), and (f)(2)(i)(E); and by removing and reserving paragraph (c)(2)(i) to read as follows:

§ 601.12 Changes to an approved application.

(a) *General*. (1) As provided by this section, an applicant shall inform the Food and Drug Administration (FDA) about each change in the product, production process, quality controls, equipment, facilities, responsible personnel, or labeling established in the approved license application(s).

(2) Before distributing a product made using a change, an applicant shall validate the effects of the change and demonstrate through appropriate validation and/or other clinical and/or nonclinical laboratory studies the lack of adverse effect of the change on the identity, strength, quality, purity, or potency of the product as they may relate to the safety or effectiveness of the product.

(3) Notwithstanding the requirements of paragraphs (b), (c), and (f) of this section, an applicant shall make a change provided for in those paragraphs in accordance with a regulation or guidance that provides for a less burdensome notification of the change (for example, by submission of a supplement that does not require approval prior to distribution of the product or in an annual report).

(4) The applicant shall promptly revise all promotional labeling and advertising to make it consistent with any labeling change implemented in accordance with this section.

(5) A supplement or annual report shall include in the cover letter a list of all changes contained in the supplement or annual report.

(b) * * *

(2) * * *

(i) Except as provided in paragraphs (c) and (d) of this section, changes in the qualitative or quantitative formulation, including inactive ingredients, or in the specifications provided in the approved application;

* * * * *

(4) An applicant may ask FDA to expedite its review of a supplement for public health reasons or if a delay in making the change described in it would impose an extraordinary hardship on the applicant. Such a supplement and its mailing cover should be plainly marked: ''Prior Approval Supplement-Expedited Review Requested.''

(c) * * *

(2) * * *

(i) [Reserved]

* * * * *

(6) If the agency disapproves the supplemental application, it may order the manufacturer to cease distribution of the products made with the manufacturing change.

(d) * * *

(2) * * *

(i) Any change made to comply with an official compendium that is consistent with FDA requirements and provides increased assurance that the drug will have the characteristics of identity, strength, quality, purity, or potency that it purports or is represented to possess;

(ii) The deletion or reduction of an ingredient intended only to affect the color of the product, except that a change intended only to affect Blood Grouping Reagents requires supplement submission and approval prior to distribution of the product made using the change in accordance with the requirements set forth in paragraph (b) of this section;

(iii) An extension of an expiration dating period based upon full shelf life data on full production batches obtained from a protocol approved in the application;

(iv) A change within the container closure system for a nonsterile drug product, based upon a showing of equivalency to the approved system under a protocol approved in the application or published in an official compendium;

(v) A change in the size and/or shape of a container containing the same number of dosage units for a nonsterile solid dosage form, without a change from one container closure system to another;

* * * * *

(vii) The addition, deletion, or revision of an alternate analytical procedure that provides the same or increased assurance of the identity, strength, quality, purity, or potency of the material being tested as the analytical procedure described in the approved application.

(3) * * *

(iii) A statement by the holder of the approved application or license that the effects of the change have been validated.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(E) Any other changes specifically requested by FDA.

* * * * *

Dated: June 18, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–16191 Filed 6-25-99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–371]

RIN 1218–AB46

Occupational Exposure to Tuberculosis

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

ACTION: Notice of limited reopening of rulemaking record on preliminary risk assessment.

SUMMARY: On October 17, 1997, OSHA published its proposed standard to regulate occupational exposure to tuberculosis (TB) (62 FR 54160). Public hearings on the proposal were held in Washington, DC, Los Angeles, CA, New York City, NY, and Chicago, IL between April 7 and June 4, 1998. The post-hearing comment period closed on October 5, 1998. OSHA re-opened the rulemaking record on June 17, 1999 (64 FR 32447) to submit to the record the Agency's report on practices to protect workers from TB in homeless shelter settings and several other studies that had become available after the close of the rulemaking record and to request comments on these studies. In addition to the information requested in the record re-opening published on June 17, 1999, OSHA now requests additional comment and information on issues related to the Agency's preliminary risk assessment for occupational exposure to tuberculosis.

DATES: Comments and data from interested parties should be postmarked no later than August 2, 1999.

ADDRESSES: Send two copies of your comments to: Docket Office, Docket H–371, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Comments limited to 10 pages or fewer may also be transmitted by FAX to: 202–693–1648, provided that the original and one copy of the comment are sent to the Docket Office immediately thereafter.

Comments may also be submitted electronically through OSHA's Internet

site at URL, *http://www/osha-slc.gov/e-comments/e-comments-tb2.html.* Information such as studies and journal articles cannot be attached to electronic submissions and must be submitted in duplicate to the above address. Such attachments must clearly identify the respondent's electronic submission by name, date, and subject, so that they can be attached to the correct submission.

The entire record for the TB rulemaking is available for inspection and copying in the Docket Office, Docket H–371, telephone 202–693–2350.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, Telephone (202) 693–1999, FAX (202) 693–1634.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 1997, OSHA published its proposed standard for occupational exposure to TB (62 FR 54160). Based on a review of the data, OSHA made a preliminary determination that workers in hospitals, nursing homes, hospices, correctional facilities, homeless shelters, and certain other work settings are at significant risk of incurring TB infection while performing certain procedures or caring for their patients and clients. OSHA proposed a standard that would require employers to protect TB-exposed workers by means of infection prevention and control measures that have been demonstrated to be highly effective in reducing or eliminating job-related TB infections.

During the comment period and the public hearing, several commenters suggested that OSHA's estimates of the risk of TB infection, activation to TB disease, and subsequent deaths for health care workers were too high. Although OSHA's risk assessment methodology received little challenge, some commenters objected to OSHA's use of studies showing increased risk to workers in both hospitals and long-term care facilities for the elderly.

Request for Comments

In order to obtain the best, most recent data for the purpose of providing the most accurate risk estimates, OSHA requests public comment on any new data or studies that will assist the Agency in determining occupational risk and the reasons why a particular study or set of data should be used. OSHA especially wishes to obtain studies that could provide estimates of TB infection rates for workers in hospitals, long-term care facilities, in-home health care operations, homeless shelters, and correctional facilities.

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC, this 22nd day of June, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–16291 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210–147b; FRL–6363–1]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP). This action revises the definitions in Bay Area Air Quality Management District (BAAQMD); Monterey Bay Unified Air Pollution Control (MBUAPCD); Placer County Air Pollution Control District (PCAPCD); and Ventura County Air Pollution Control District (VCAPCD).

The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency and to update the Exempt Compound list in MBUAPCD, PCAPCD, and VCAPCD rules to be consistent with the revised federal and state VOC definitions. EPA is proposing approval of these revisions to be incorporated into the California SIP for the attainment of the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (CAA or the Act). 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 this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If 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. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by July 28, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Chief, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109–7714

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Ct., Monterey, CA 93940–6536

Placer County Air Pollution Control District, DeWitt Center, 11464 ''B'' Ave., Auburn, CA 95603–2603

Ventura County Air Pollution Control District, 669 County Square Dr., 2nd Fl., Ventura, CA 93003–5417

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office [A–4], Air Division, Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION: This document concerns Bay Area Air Quality Management District (BAAQMD) Regulation 1, General Provisions and Definitions; Monterey

Bay Unified Air Pollution Control (MBUAPCD) Rule 101, Definitions; Placer County Air Pollution Control District (PCAPCD) Rule 102, Definitions; and Ventura County Air Pollution Control District (VCAPCD) Rule 2, Definitions. These rules were submitted by the California Air Resources Board to EPA on February 16, 1999 (Bay Area and Ventura); January 12, 1999 (Monterey); and May 18, 1998 (Placer). For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: May 21, 1999.

Laura K. Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 99–16230 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6366–7]

Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Pima County Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to section 112(l) of the 1990 Clean Air Act (CAA), the Pima County Department of Environmental Quality (PDEQ) requested delegation of specific national emission standards for hazardous air pollutants (NESHAPs). In the Rules section of this **Federal Register**, EPA is granting PDEQ the authority to implement and enforce specified NESHAPs. The direct final rule also explains the procedure for future delegation of NESHAPs to PDEQ. EPA is taking direct final action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If 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. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by July 28, 1999.

ADDRESSES: Written comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the submitted requests are available for public inspection at EPA's Region IX office during normal business hours (docket number A–96–25).

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1200.

SUPPLEMENTARY INFORMATION: This document concerns delegation of unchanged NESHAPs to the Pima County Department of Environmental Quality. For further information, please see the information provided in the direct final action which is located in the Rules section of this **Federal Register**.

Authority: This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: June 10, 1999.

David P. Howekamp,

Director, Air Division, Region IX.

[FR Doc. 99–16232 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 64, No. 123
Monday, June 28, 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 Marketing Service

[Docket No. FV–99–301]

Request for Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intent to request approval for information collection for a Federal-State Shipping Point Inspection Program Customer Service Survey.

DATES: Comments on this notice must be received by August 27, 1999 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rob Huttenlocker, Program Support Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2049-South, Washington, D.C. 20090–6456; telephone (202) 720–0297, Fax (202) 720–5136, and Email *FPB.DocketClerk@usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Federal-State Shipping Point Inspection Program Customer Service Survey.

OMB Number: 0581–[ ].

Expiration Date of Approval: 3 years from date of approval.

Type of Request: Approval for information collection.

Abstract: The Agricultural Marketing Act of 1946 (7 USC 1621–1627) (Act) directs the U.S. Department of Agriculture (USDA) to promote the marketing of agricultural products. Under the Act, AMS offers grading, quality assurance, and certification services for a fee for fresh fruits, vegetables, and other products based on U.S. grade standards and other contract specifications. The use of grading services and grade standards is voluntary unless required by Federal Marketing Order or Agreement Regulations governing domestic, import, or export shipments.

There are about 9,000 current users of the AMS Fresh Products Branch's shipping point grading services and about the same number of potential users. These customers are located at shipping point locations nationwide and represent a diverse mixture of small, medium and large harvesting, packing and shipping companies and cooperatives. These companies request product grading and certification services from the Federal-State Inspection (FSI) programs located in their areas. The FSI programs are supervised and audited by USDA Federal-State Shipping Point Supervisors and/or Federal Program Managers with national program coordination provided by the Fresh Products Branch in Washington, D.C.

Customer feedback is a vital component of successfully completing the Fresh Products Branch's mission. This customer survey would be conducted to evaluate how well the Fresh Products Branch, in cooperation with various state shipping point grading services, is meeting its commitment to customer service. The survey would not be continuous over the 3 year approval period but would be done in two parts, first current users, then potential users.

Information requested in the survey includes meeting levels of satisfaction with program services, including those services provided by state personnel; rating program oversight provided by USDA; providing input regarding shipping point inspection fees; and providing levels of interest in new quality, certification and related services that may be offered by USDA.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .1667 hours per response (10 minutes).

Respondents: Growers, packers, shippers, and brokers of fresh fruits, vegetables, nuts, and speciality crops, and financially interested parties.

Estimated Number of Respondents: 18,000

Estimated Number of Responses per Respondent: 1

Estimated Total Annual Burden on Respondents: 3,000 hours

Comments are invited on: (1) 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; (2) 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; (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.

Comments may be sent to Rob Huttenlocker, Program Support Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2049-South, Washington, D.C. 20090–6456. Comments may also be sent via Email to FPB.DocketClerk@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: June 21, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–16210 Filed 6–25–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. PY–99–006]

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural

Marketing Service's (AMS) intention to request an extension for a currently approved information collection in support of the shell egg surveillance portion of the Regulations for the Inspection of Eggs—7 CFR 57.

DATES: Comments on this notice must be received by August 27, 1999.

ADDITIONAL INFORMATION: Contact Shields Jones, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0259, Washington, DC 20250–0259, (202) 720–3506.

SUPPLEMENTARY INFORMATION:

Title: Regulations for the Inspection of Eggs (Egg Products Inspection Act).

OMB Number: 0581–0113.

Expiration Date of Approval: February 28, 2000.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Congress enacted the Egg Products Inspection Act (21 U.S.C. 1031–1056) (EPIA) to provide, in part, a mandatory inspection program to control the disposition of dirty and checked shell eggs; to control unwholesome, adulterated, and inedible shell eggs that are unfit for human consumption; and to control the movement and disposition of imported shell eggs.

The Act authorizes the Department to issue regulations, which provide requirements and guidelines, for both the USDA and industry to use as the basis for common understanding to assure that only eggs fit for human food are used for such purpose.

Under the shell egg surveillance program shell egg handlers are required to register with USDA. Quarterly, a State or Federal surveillance inspector visits each registered handler to verify that shell eggs packed for consumer use are in compliance, that restricted eggs are being disposed of properly, and that adequate records are being maintained.

The information collection and record keeping requirements in this request are essential to carry out the intent of Congress, to administer the mandatory inspection program, and to take regulatory action, in accordance with the regulations and the Act. The forms covered under this collection require the minimum information necessary to effectively carry out the requirements of the regulations, and their use is necessary to fulfill the intent of the Act.

The information collected is used only by authorized representatives: AMS, Poultry Programs' national staff; regional directors and their staffs; Federal-State supervisors and their staffs; and resident Federal-State graders, which includes State agencies. The information is used to assure compliance with the Act and the regulations and to take regulatory action. The Agency is the primary user of the information, with the secondary user is each authorized State agency which has a cooperative agreement with AMS.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.30 hours per response.

Respondents: State or local governments, businesses or other for-profit, Federal agencies or employees, small businesses or organizations.

Estimated Number of Respondents: 1134.

Estimated Number of Responses per Respondent: 4.96.

Estimated Total Annual Burden on Respondents: 1,922 hours.

Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility , and clarity of the information to be collected; or (d) ways to 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 technical collection techniques or other forms of information. Comments may be sent to:

Douglas C. Bailey, Chief, Standardization Branch, Poultry Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0259, Washington, DC 20250–0259.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 7, 1999.

D. Michael Holbrook,

Deputy Administrator, Poultry Programs.

[FR Doc. 99–16370 Filed 6–25–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Report of School Program Operations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. The proposed collection is a revision of a collection currently approved for the National School Lunch Program, the School Breakfast Program, the Commodity Schools Program, and the Special Milk Program.

DATES: Comments on this notice must be received by August 27, 1999 to be assured of consideration.

ADDRESSES: Send comments and requests for copies of this information collection to Alan Rich, Data Base Monitoring Branch, Budget Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of FNS, including whether the information will have practical utility; (b) the accuracy of FNS's estimate of the burden of the proposed collection of information 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 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.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Alan Rich, (703) 305–2113.

SUPPLEMENTARY INFORMATION:

Title: Report of School Program Operations.

OMB Number: 0584–0002.

Expiration Date: January 31, 2000.

Type of Request: Revision of a currently approved collection.

Abstract: The National School Lunch Program, the School Breakfast Program,

the Commodity Schools Program, and the Special Milk Program are mandated by the National School Lunch Act, 42 U.S.C. 1751, *et seq.*, and the Child Nutrition Act of 1966, 42 U.S.C. 1771, *et seq.* Program implementing regulations are contained in 7 CFR Parts 210, 215, and 220. In accordance with 7 CFR § 210.5(d)(1), § 215.11(c)(2), and § 220.13(b)(2), State agencies must submit a monthly report of program activity in order to receive Federal reimbursement for meals served to eligible participants. As a result of the William F. Goodling Child Nutrition Reauthorization Act of 1998, Public Law 105–336, the current monthly report is being revised to collect information on snacks served to children in National School Lunch Program schools who participate in programs organized to provide after school care.

Respondents: State agencies that administer the National School Lunch Program, the School Breakfast Program, the Commodity Schools Program, and the Special Milk Program.

Number of Respondents: 62.

Estimated Number of Responses per Respondent: The number of responses includes initial, revised, and final reports submitted each month. The overall average is four submissions per State agency per reporting month for a total of 48 per year.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 32 hours per respondent.

Estimated Total Annual Burden on Respondents: 95,232 hours.

Dated: June 14, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99–16353 Filed 6–25–99; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Report of the Child and Adult Care Food Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. The proposed collection is a revision of a collection currently approved for the Child and Adult Care Food Program.

DATES: Comments on this notice must be received by August 27, 1999 to be assured of consideration.

ADDRESSES: Send comments and requests for copies of this information collection to Alan Rich, Data Base Monitoring Branch, Budget Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

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 will have practical utility; (b) 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; (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 those who are to respond, including use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Alan Rich, (703) 305–2113.

SUPPLEMENTARY INFORMATION:

Title: Report of the Child and Adult Care Food Program.

MB Number: 0584–0078.

Expiration Date: October 31, 1999.

Type of Request: Revision of a currently approved collection.

Abstract: The Child and Adult Care Food Program is mandated by Section 17 of the National School Lunch Act (42 U.S.C. 1766). Program implementing regulations are contained in 7 CFR Part 226. In accordance with § 226.7(d), State agencies must submit a monthly report of program activity in order to receive Federal reimbursement for meals served to eligible participants on FNS 44. As a result of the William F. Goodling Child Nutrition Reauthorization Act of 1998, Public Law 105–336, the FNS 44 is being revised to collect information on snacks served to children who participate in programs organized to provide after school care.

Respondents: State agencies that administer the Child and Adult Care Food Program.

Number of Respondents: 53.

Estimated Number of Responses per Respondent: The number of responses includes initial, revised, and final reports submitted each month. The overall average is three submissions per State agency per reporting month for a total of 36 per year.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average three hours per respondent for each submission.

Estimated Total Annual Burden on Respondents: 5,724 hours.

Dated: June 14, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99–16354 Filed 6–25–99; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Municipal Interest Rates for the Third Quarter of 1999

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the third quarter of 1999.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the third calendar quarter of 1999.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning July 1, 1999, and ending September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Carolyn Dotson, Loan Funds Control Assistant, U.S. Department of Agriculture, Rural Utilities Service, Room 0227–S, Stop 1524, 1400 Independence Avenue, SW, Washington, DC 20250–1500. Telephone: 202–720–1928. FAX: 202–690–2268. E-mail: CDotson@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the third calendar quarter of 1999 for municipal rate electric loans. RUS regulations at § 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to § 1714.5, the interest rates on these advances are based on indexes published in the ''Bond Buyer'' for the four weeks prior to the third Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in § 1714.5(d). The rate

for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of ''Municipal Market Data—General Obligation Yields'' or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

The table of Municipal Market Data includes only rates for securities maturing in 1999 and at 5 year intervals thereafter. The rates published by RUS reflect the average rates for the years shown in the Municipal Market Data table. Rates for interest rate terms ending in intervening years are a linear interpolation based the average of the rates published in the Bond Buyer. All rates are adjusted to the nearest one eighth of one percent (0.125 percent) as required under § 1714.5(a). The market interest rate on Water and Waste Disposal loans for this quarter is 5.125 percent.

In accordance with § 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the third calendar quarter of 1999.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2020 or later	5.125
2019	5.125
2018	5.125
2017	5.125
2016	5.000
2015	5.000
2014	5.000
2013	5.875
2012	4.875
2011	4.750
2010	4.625
2009	4.625
2008	4.500
2007	4.375
2006	4.250
2005	4.250
2004	4.125
2003	3.875
2002	3.625
2001	3.375
2000	3.125

Dated: June 15, 1999.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 99–16388 Filed 6–25–99; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Connecticut Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 1:30 p.m. on July 19, 1999, at the East End Baptist Tabernacle Church, Deacon's Room, 548 Central Avenue, Bridgeport, Connecticut 06607. The planning subcommittee will meet with community and civil rights leaders to examine police-community relations and racial problems in public schools and plan for a community forum in fall 1999.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Neil Macy, 860–242–7287, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 22, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–16283 Filed 6–25–99; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 10:00 a.m. and recess at 12:00 p.m.; reconvene at 1:00 p.m. and adjourn at 3:00 p.m. on August 6, 1999, at the Radisson Hotel, 445 Mount Rushmore Road, Rapid City, South Dakota 57701. The purpose of the meeting is to plan future programs and activities, discuss civil rights issues in South Dakota, and update on Commission and regional programs.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 22, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–16282 Filed 6–25–99; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Census 2000 Accuracy and Coverage Evaluation—Housing Unit and Person Activities

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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 and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 27, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Magdalena Ramos, Bureau of the Census, Room 2126A/SFC2, Washington, DC 20233, (301) 457–4295.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of the Census developed the Accuracy and Coverage Evaluation approach for measuring coverage of the population in the decennial census. In the Accuracy and Coverage Evaluation, we independently count a sample of housing units and the people living in those units, then compare those results to the census. We then use this comparative information to produce final estimates of the coverage for Census 2000. The Accuracy and Coverage Evaluation approach was tested during the Census 2000 Dress Rehearsal in Columbia, South Carolina. The Accuracy and Coverage Evaluation was formerly referred to as the Post-

Enumeration Survey in the Census 2000 Dress Rehearsal.

The Independent Listing Operation is the first step in the Accuracy and Coverage Evaluation process. During the Independent Listing, the Bureau of the Census will obtain a complete housing inventory of all addresses within the Census 2000 Accuracy and Coverage Evaluation sample of block clusters before the Census 2000 enumeration commences. The materials for the Independent Listing have been submitted to the Office of Management and Budget and are awaiting approval.

The address listings will be matched to the address list used in the census; the unmatched cases will be sent to the field for reconciliation during the Accuracy and Coverage Evaluation Housing Unit Follow-up Operation using the Housing Unit Follow-up Questionnaires, Forms D–1303 and D–1303 PR. The D–1303 is the English language version and will be used in the Accuracy and Coverage Evaluation sample areas in the 50 states and the District of Columbia; the D–1303 PR is the Spanish language version of the follow-up form and will be used only in sample areas in Puerto Rico. For quality assurance purposes, a sample of the housing unit follow-up cases will be verified to ensure that the follow-up enumerators visit the block clusters, resolve the cases, and correctly follow procedures. The information obtained using the D–1303 and D–1303 PR will be used to resolve match status for unmatched cases and to assign final match codes. The results from the matching will be used to identify clusters for the Targeted Extended Search (TES) Operation.

The TES attempts to correct erroneous enumerations and nonmatches caused by census geocoding errors. A geocoding error occurs when a housing unit is counted in the wrong Accuracy and Coverage Evaluation sample cluster. Because of geocoding errors, the people in the housing units can be counted in the incorrect block and, as a result, may be counted more than once. The housing units in the TES clusters are sent to the field for resolution using the Targeted Extended Search Field Followup Questionnaires, Forms D–1360 and D–1360 PR. The D–1360 is the English language version and will be used in the Accuracy and Coverage Evaluation sample areas in the 50 states and the District of Columbia; the D–1360 PR is the Spanish language version and will be used only in sample areas in Puerto Rico. The goal of the TES field follow-up is to determine the correct geographic location of the housing units in the cluster. The results of TES field follow-up will be used during person matching to allow the clerical matchers to correctly code the people in the TES clusters. The TES will be conducted during the same time period as the Person Interview. The resultant address listing from the Housing Unit Follow-up Operation will be used in the Person Interview.

The Person Interview will be conducted using a Computer Assisted Personal Interviewing (CAPI) instrument. During the initial phase of this operation, the Census Bureau will target sample cases for telephone interviews. This is done to allow interviewing to start since personal visits cannot be done until Nonresponse Follow-up for Census is 90 percent complete. Telephone cases will be city style addresses selected from households that returned their census questionnaires and provided their telephone numbers. After the conclusion of the Nonresponse Follow-up Operation for a sample block cluster, all remaining sample cases will be interviewed using a person-to-person approach. Telephone interviews may also be used later in the process for hard to enumerate areas or situations.

Intensive probing techniques will be used to reconstruct a roster of the sample housing unit. The interviewer will attempt to determine the status of the sample units and their occupants on Census Day, April 1, 2000. For households where the Census Day residents have moved out, we will obtain a proxy interview from the current residents or another reliable proxy. When combined with our efforts to match responses to the results of the census count, the interview data will identify persons missed or incorrectly included in the census as well as persons correctly enumerated. For quality assurance, a sample of respondents in the Accuracy and Coverage Evaluation sample will be reinterviewed using the CAPI instrument. There will be a Spanish language version of the instrument that will be available for use in the 50 states, District of Columbia, and Puerto Rico.

After the person interview, person matching for input into dual system estimation (DSE) processing will be conducted. The estimation is called DSE because two independent sources of information or systems are used. The people enumerated during the Person Interview Operation will be matched to the people enumerated in the census for the same addresses. Unresolved cases will be reconciled in the field during the Accuracy and Coverage Evaluation Person Follow-up Interview using the Person Follow-up Questionnaires, Forms D–1301, D–1301(S), and D–1301 PR. The D–1301 is the English language version and will be used in the sample areas in the 50 states and the District of Columbia except in selected areas; the D–1301(S) and D–1301 PR are Spanish language versions of the follow-up form. The D–1301(S) will be used in sample areas, where needed, in the 50 states and the District of Columbia; the D–1301 PR will be used only in sample areas in Puerto Rico. The completed follow-up interview files will be reviewed and used to resolve a person's residence status and match status. The person follow-up interview will undergo a quality assurance operation to ensure that the interviewer contacted the household and conducted an interview. The information from the person interview will be used in the Census 2000 coverage estimates.

Because the initial housing unit operations (matching and field follow-up) are conducted before the inventory of census housing units is final, a final housing unit match and field reconciliation are needed for selected cases that were not followed up during the original housing unit operations. The field reconciliation will be conducted using the Final Housing Unit Follow-up Questionnaires, Forms D–1340 and D–1340 PR. The D–1340 is the English language version and will be used in the Accuracy and Coverage Evaluation sample areas in the 50 states and the District of Columbia; the D–1340 PR is the Spanish language version of the follow-up form and will be used only in sample areas in Puerto Rico. As in the initial Housing Unit operation, a sample of the housing unit follow-up cases will be verified to ensure that the follow-up enumerators visit the block clusters, resolve the cases, and correctly follow procedures. The results of the final housing match are needed to produce housing unit coverage estimates.

II. Method of Collection

Telephone and person to person interview.

III. Data

OMB Number: Not available.
Form Number:

Housing Unit Follow-up Interview—D–1303, D–1303 PR
Housing Unit Follow-up Quality Assurance Interview—D–1303, D–1303 PR
CAPI Person Interview—No form number
CAPI Nonresponse Conversion—No form number
CAPI Person Quality Assurance Interview—No form number

Targeted Extended Search—D–1360, D–1360 PR
Person Follow-up Interview—D–1301, D–1301(S), D–1301 PR
Person Follow-up Quality Assurance Interview—D–1301, D–1301(S)
Final Housing Unit Follow-up Interview D–1340, D–1340 PR
Final Housing Unit Follow-up Quality Assurance Interview—D–1340, D–1340 PR

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 325,486 Housing units (HUs)

Estimated Time Per Response:

Housing Unit Follow-up Interview—3 minutes
Housing Unit Follow-up Quality Assurance Interview—3 minutes
CAPI Person Interview—20 minutes
CAPI Nonresponse Conversion—20 minutes
CAPI Person Quality Assurance Interview—10 minutes
Targeted Extended Search—2 minutes
Person Follow-up Interview—15 minutes
Person Follow-up Quality Assurance Interview—15 minutes
Final Housing Unit Follow-up Interview—3 minutes
Final Housing Unit Follow-up Quality Assurance Interview—3 minutes

Estimated Total Annual Burden Hours: Total = 195,042 Hours.

Housing Unit Follow-up Interview=13,983 Hours (279,664 HUs x 3 minutes)
Housing Unit Follow-up Quality Assurance Interview=2,331 Hours (46,610 HUs×3 minutes)
CAPI Person Interview=108,495 Hours (325,486 HUs×20 minutes)
CAPI Nonresponse Conversion=21,699 Hours (65,097 HUs×20 minutes)
CAPI Person Quality Assurance Interview=6,781 Hours (40,686 HUs×10 minutes)
Targeted Extended Search=1,460 Hours (43,800 HUs×2 minutes)
Person Follow-up Interview=32,549 Hours (130,194 HUs×15 minutes)
Person Follow-up Quality Assurance Interview=5,425 Hours (21,699 HUs×15 minutes)
Final Housing Unit Follow-up Interview=1,988 Hours (39,758 HUs×3 minutes)
Final Housing Unit Follow-up Quality Assurance Interview=331 Hours (6,626 HUs×3 minutes)

Estimated Total Annual Cost: No cost to the respondents except for their time to respond.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

IV. Request for Comments

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 (including hours and cost) 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 or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 23, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–16403 Filed 6–25–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Kenneth Broder; Order Amending the Order Denying Permission To Apply for or Use Export Licenses

In the Matter of: Kenneth Broder, Calle Rafael Agusto Sanchez No. 22 Torre, Don Roberto Ens. Piantini, Apartado (Post Office Box) 30298, Santo Domingo, Dominican Republic.

On February 2, 1999, I entered an order against Kenneth Broder (Broder) denying his export privileges until February 2, 2007, based upon his February 2, 1998, conviction in the United States District Court for the Southern District of Florida of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991 & Supp. 1999)) (IEEPA). The Order was issued under the authority of Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991 & Supp. 1999)) (the Act),[1] and Sections 766.25 and 750.8(a) of the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (1999)) (the Regulations).

On March 19, 1999, Broder, through counsel, filed an appeal from the Order with the Under Secretary for Export Administration (Under Secretary), pursuant to Part 756 of the Regulations. On June 10, 1999, the Under Secretary issued his final decision on that appeal and granted partial relief from the terms of the Order by allowing Border to participate in transactions involving EAR99 items for use or consumption in the Dominican Republic. In order to give effect to his decision, the Under Secretary directed that I amend my February 2, 1999 Order to suspend its application to EAR99 items that are exported or reexported to the Dominican Republic by Broder or on his behalf for use or consumption there.

Accordingly, the February 2, 1999 Order is hereby amended to read as follows:

Ordered

I. Until February 2, 2007, Kenneth Broder, Calle Rafael Agusto Sanchez No. 22 Torre, Don Roberto Ens. Piantini, Apartado (Post Office Box) 30298, Santo Domingo, Dominican Republic, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the Untied States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

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[1] The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)), August 14 1996 (3 CFR, 1996 Comp. 298 (1997)), August 13, 1997 (3 CFR, 1997 Comp. 306 (1998)), and August 13, 1998 (3 CFR, 1998 Comp. 294 (1999)), continued the Export Administration Regulations in effect under IEEPA.

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Broder by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provision of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. As directed by the Under Secretary in his decision on Broder's appeal, all of the provisions denying Broder's export privileges set forth above are suspended with respect to Broder's participation, directly or indirectly, in any transaction involving any item classified as EAR99 that is exported or reexported to the Dominican Republic for use or consumption therein, from the date of entry of this order until February 2, 2007, and shall thereafter be waived, provided that, during the period of suspension, Broder has committed no violation of the Act, or any regulation, order, or license thereunder.

VI. This Order is effective immediately and shall remain in effect until February 2, 2007.

VII. A copy of this Order shall be delivered to Broder. This Order shall be published in the **Federal Register**.

Dated: June 18, 1999.

Hillary Hess,

Acting Director, Office of Exporter Services.

[FR Doc. 99–16267 Filed 6–25–99; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping and Countervailing Duties, Procedures for Initiation of Downstream Product Monitoring

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 27, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5033, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482–3272.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Lynn Barden, Import Administration, Office of Policy, Room 3713, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482–3173, and fax number: (202) 482–2308.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration's (ITA), Import Administration, AD/CVD Enforcement, administers the U.S. antidumping and countervailing duty law. Under section 780 of the Tariff Act of 1930, as amended (19 U.S.C. 1677i), a domestic producer of an article that is like a component part or a downstream product may petition the Department of Commerce to designate the downstream product for monitoring. Such a petition must allege and support the proposition that the imposition of antidumping or countervailing duties has resulted in a diversion of exports of the component part into increased production and exportation to the United States of such downstream product. Section 780, and the Department's regulation (19 CFR 351.223), require that the petition, among other things, identify the downstream product to be monitored, the relevant component part, and the likely diversion of foreign exports of the component part into increased exports of the downstream product to the United States. ITA will evaluate the petition and will issue either an affirmative or negative ''monitoring'' determination.

II. Method of Collection

Form ITA–4119P is sent by request to potential U.S. petitioners.

III. Data

OMB Number: 0625–0200.

Form Number: ITA–4119P.

Type of Review: Reinstatement.

Affected Public: U.S. companies or industries that suspect the presence of unfair competition from foreign firms selling merchandise in the United States below fair value.

Estimated Number of Respondents: 1.

Estimated Time Per Response: 15 hours.

Estimated Total Annual Burden Hours: 15 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $3,450 ($2,250 for respondents and $1,400 for federal government).

IV. Request for Comments

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 (including hours and costs) 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 or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 23, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–16402 Filed 6–25–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Announcement of Public Meeting of the National Conference on Weights and Measures

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of meeting.

SUMMARY: The 84th Annual Meeting of the National Conference on Weights and Measures will be held July 25 through July 29, 1999, at the Sheraton Burlington Hotel and Conference Center, Burlington, Vermont. The meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the states, counties, and cities of the United States, other government officials and representatives of business, industry, trade associations and consumer organizations. Conference members meet twice a year to develop weights and measures laws and to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to (15 U.S.C. 272 (B)(6)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the states in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the states of commercial weighing and measuring.

DATES: The meeting will be held July 25–July 29, 1999, 8:00 a.m.–5:00 p.m.

ADDRESSES: Sheraton Burlington Hotel and Conference Center located at 870 Williston Road, Burlington, Vermont 05403.

FOR FURTHER INFORMATION CONTACT: Gilbert M. Ugiansky, Chief, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2350 Gaithersburg, Maryland 20899–2350. Telephone (301) 975–4004, or E-mail owm@nist.gov.

Dated: June 21, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–16318 Filed 6–25–99; 8:45 am]

BILLING CODE 3510–13–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Submission for OMB Review; Comment Request

The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, (44 U.S.C. Chapter 35)). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Office of Evaluation, Susan Labin, (202) 606–5000, Extension 160. Individuals who use a telecommunications device for the deaf (TTY/TTD) may call (202) 606–5256 between the hours of 9:00 a.m. and 4:30 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Mr. Daniel Werfel, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316, within 30 days of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 data collection 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.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Longitudinal Research on AmeriCorps Member Outcomes.

OMB Number: None.

Agency Number: None.

Affected Public: AmeriCorps Members and Respondents in Comparison Groups.

Total Respondents: Approximately 10,350.

Frequency: One time.

Average Time Per Response: AmeriCorps Members: 30 minutes; Comparison Group Respondents: 45 minutes.

Estimated Total Burden Hours: 3,606 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Description: The Corporation seeks approval of baseline survey forms for the longitudinal study of outcomes associated with participation in AmeriCorps, the national service program. A central purpose of the agency and its programs is to foster citizenship and development for those who serve in AmeriCorps. The proposed study includes members in the State/National and the National Civilian Community Corps AmeriCorps programs, and their counterparts in comparison groups. There were no comments received during the initial 60-day public comment period. Since our original submission, there has been a change in both the number of respondents and the overall burden hours. The number of respondents appears to have increased substantially but this is due to a screening phone call that will be made to approximately 4,850 potential respondents for less than five minutes. Thus, not including this brief call, the number of true respondents (5,550) is actually lower than originally anticipated.

This decrease in the number of respondents is due to two changes: (1) Exclusion of the Volunteers in Service to America (VISTA) participation in the study; and (2) elimination of the Retrospective Study of AmeriCorps members. These studies are not part of the final design. Thus, the overall response in burden hours has decreased. Also contributing to a decrease in the burden hours is the change to a self-administered baseline for members rather than a phone interview.

Even though the net burden is lower, the decreases are somewhat offset by an increase in the number of comparison respondents for the State and National programs. A national comparison group of those who have inquired about serving in AmeriCorps has been identified. This will strengthen the design and the ability of the study to address causality for the national study.

Dated: June 22, 1999.

Thomas L. Bryant,

Associate General Counsel.

[FR Doc. 99–16411 Filed 6–25–99; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Addition to MTMC Freight Traffic Rules Publication No. 1A

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC), as the Department of Defense (DOD) Traffic Manager for surface and surface intermodal traffic management services (DTR vol. 1, pg. 101–113), hereby adds a new rule, entitled ''Electronic Spot Bid Application,'' as a new item (Item 6) to MFTRP No. 1A. The purpose of the change is to establish a rule for a new process (Electronic Spot Bid) of soliciting and awarding freight shipments. Information about this new process was published in the **Federal Register,** vol. 64, no. 14, pages 3488–3490, Friday, January 22, 1999.

DATES: This change is effective July 1, 1999.

ADDRESSES: Points of Contact: Headquarters, Military Traffic Management Command, ATTN: MTOP–JF, Room 608, 5611 Columbia Pike, Falls Church, VA 22041–5050, fax: 703–681–9871 atn: Jerome Colton, e-mail: coltonj@mtmc.army.mil.

FOR FURTHER INFORMATION CONTACT: For additional information contact Mr. Jerome Colton at (703) 681–1417.

SUPPLEMENTARY INFORMATION: Effective July 1, 1999, MFTRP 1A will contain a new item (Item 6), entitled ''Electronic Spot Bid Application,'' with the following text:.

1. The single-factor rate for Spot Bid shipments includes both the line haul and all required accessorial/protective services identified by the shipper at the time of solicitation. This single-factor rate does not alternate with any other rates or tenders. This non-alternation for Spot Bid takes precedence over any alternation rule found elsewhere in this publication.

2. If a requirement for any additional accessorial/protective service(s) is identified:

a. after solicitation but before pickup: the solicitation (and award, if applicable) will be canceled, and the shipment resolicited to include the additional services.

b. during/after pickup: the charges for the additional requirements will be negotiated with the carrier by MTMC and/or the TO. A basis for comparison for such negotiations may be rates on file for accessorial/protective services shown in current approved carrier voluntary tenders.

3. If the need for fewer accessorial/protective services is identified after solicitation but before pickup, DOD reserves the right to cancel the award and resolicit the shipment based on the new requirements.

4. The rules in this publication will apply to shipments awarded via the Electronic Spot Bid process.

5. Spot Bids will be processed through the Deployment Support Command (DSC) on behalf of those TOs who are unable to do so electronically.

Thomas M. Ogles,

Chief, Freight Services Division, Joint Traffic Management Office.

[FR Doc. 99–16400 Filed 6–25–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Revision of MTMC Freight Traffic Rules Publication No. 1A, Item 5, ''Purpose and Application''

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC), as the Department of Defense (DOD) Traffic Manager for surface and surface intermodal traffic management services (DTR vol. 1, pg. 101–113), hereby adds language to the text of the existing rule, entitled ''Purpose and Application'', in MFTRP No. 1A, Item 5. The purpose of the change is to allow DOD tenders for the shipment of ammunition to be utilized by the United States Coast Guard.

DATES: This change is effective August 1, 1999.

ADDRESSES: Point of Contact: Headquarters, Military Traffic Management Command, ATTN: MTOP–JF, Room 608, 5611 Columbia Pike, Falls Church, VA 22041–5050, fax: 703–681–9871 attn: Jerome Colton, e-mail: coltonj@mtmc.army.mil.

FOR FURTHER INFORMATION CONTACT: For additional information contact Mr. Jerome Colton at (703) 681–1417.

SUPPLEMENTARY INFORMATION: The effective date for the change will be August 1, 1999. This change will affect the amounts that ammunition carriers are reimbursed for ammunition shipments made to, by, for, or on behalf of the United States Coast Guard. Ammunition carriers wishing to modify their existing tenders or offer new tenders prior to August 1, 1999, to include the United States Coast Guard may do so.

The current regulation (Item 5, Paragraph 1) reads: ''Purpose. The purpose of this publication is to articulate the motor transportation service needs of the Department of Defense (DOD) for the movement of its freight traffic; to ensure that motor freight carriers providing that transportation have both the willingness and the capability to meet those needs; and to provide the standardization necessary for achieving a fully automated system for routing DOD freight traffic.''

The additional sentence (to be added at the end of the paragraph) will read: ''Movements of ammunition to, by, for, or on behalf of the United States Coast Guard (USCG) are also covered by this publication. References throughout this publication to DOD shall be understood to include such shipments for the United States Coast Guard as well.''

Thomas M. Ogles,

Chief, Freight Services Division, Joint Traffic Management Office.

[FR Doc. 99–16401 Filed 6–25–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting 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 August 27, 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 Acting 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: June 22, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Annual Supported Employment Caseload Report.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 81.

Burden Hours: 162.

Abstract: This form collects data required by Sections 626 and 101(a)(10) of the Rehabilitation Act, as amended. The RSA Commissioner must collect data separately on persons who receive supported employment services under Title I and Title VI, Part B, of the Act and submit an annual report to the President and Congress as required by Section 13.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Vivian T3Reese@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. 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. 99–16289 Filed 6–25–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting 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 July 28, 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 Acting 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: June 22, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New.

Title: Early Childhood Longitudinal Study—Birth Cohort 2000, Field Test and Full Scale Data Collection.

Frequency: On occasion.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 2,280.

Burden Hours: 3,082.

Abstract: The Early Childhood Longitudinal Study—Birth Cohort 2000 (ECLS–B) is a component of the Early Childhood Longitudinal Studies Program. Studies also include the Kindergarten Class of 1998–1999, currently under way. The ECLS program responds to increased policy interest in a critical period in the development of children, the years from zero to three. The principal purposes of the study are to assess chidlren's health status and their growth and development in a variety of key domains that are critical for later school readiness and academic achievement. The key domains include physical health and growth, motor development, and social and emotional maturation. The data set will provide a comprehensive and reliable longitudinal data set describing the growth of children from birth through first grade. The data can also be used by a wide range of federal agencies on topics such as maternal and child health; childhood illnesses and disabilities; nonparental child care and early childhood education; health intervention; family economics and composition; welfare dependency; cultural diversity; and food and nutrition.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Vivian Reese@ed.gov*, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements,

contact Joe Schubart at 202–708–9266. 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. 99–16290 Filed 6–25–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No: 84.116X]

Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education and the Office of Elementary and Secondary Education, Safe and Drug-Free Schools and Communities—Alcohol and Other Drug Prevention Models on College Campuses

AGENCY: Department of Education.

ACTION: Notice Inviting Applications for New Awards for Fiscal Year 1999.

Purpose of the Program: This competition seeks to identify and disseminate models of alcohol and other drug prevention at institutions of higher education.

Eligible Applicants: Institutions of higher education.

Applications Available: June 28, 1999.

Deadline for Receipt of Applications: July 28, 1999.

Note: All applications must be received on or before the deadline date. Applications received after that time will not be eligible for funding. Postmarked dates will not be accepted. Applications by mail should be sent to the U.S. Department of Education, c/o The Higher Education Center for Alcohol and Other Drug Prevention, Education Development Center, Inc., 55 Chapel Street, Newton, MA 02458–1060. Attention: CFDA #84.116X, Alcohol and Other Drug Prevention Models on College Campuses.

Deadline for Intergovernmental Review: September 26, 1999.

Available Funds: $500,000.

Estimated Range of Awards: $40,000–$75,000.

Estimated Average Size of Awards: $50,000.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

Applicable Regulations

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86;

(b) 34 CFR parts 98 and 99; and

(c) The notice of final priority and selection criteria for FY 1999 published elsewhere in this issue of the **Federal Register**.

FOR APPLICATIONS OR INFORMATION CONTACT: Kimberly Light, Safe and Drug-Free Schools Program, 400 Maryland Avenue, SW, Washington, DC 20202–6123. Telephone: (202) 260–3954. By FAX: (202) 260–7767. Internet: *http://www.ed.gov/OESE/SDSF*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audio tape, or computer diskette) upon request to the contact person listed in the preceding paragraph.

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Note: The official version of this document is the document published in the **Federal Register.**

Program Authority: 20 U.S.C. 1138–1138d; Public Law 105–277, 112 Stat. 2681, 2681–371.

Dated: June 23, 1999.

Judith Johnson,

Acting Assistant Secretary, Office of Elementary and Secondary Education.

Claudio R. Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 99–16407 Filed 6–25–99; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education and the Office of Elementary and Secondary Education, Safe and Drug-Free Schools and Communities—Alcohol and Other Drug Prevention Models on College Campuses Grant Competition

AGENCY: Department of Education.

ACTION: Notice of final priority and selection criteria for fiscal year 1999.

SUMMARY: The Secretary announces a final priority and selection criteria for fiscal year (FY) 1999 under the Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education and the Office of Elementary and Secondary Education, Safe and Drug-Free Schools and Communities—Alcohol and Other Drug Prevention Models on College Campuses Grant Competition. The Secretary takes this action to use Federal financial assistance to identify and disseminate models of alcohol and other drug (AOD) prevention at institutions of higher education (IHEs). Alcohol and other drug use are closely related problems that are frequently addressed together as part of comprehensive AOD prevention efforts. However, for the purposes of this competition, the Secretary is interested in making awards to five (5) IHEs that have innovative programs aimed at alcohol prevention and five (5) IHEs that have innovative programs aimed at other drug prevention. These specific programs should be implemented within the context of a comprehensive AOD prevention effort on campus. IHEs that receive awards will use the funds to maintain, improve, or further evaluate their innovative programs and disseminate information about these innovative programs to other IHEs.

EFFECTIVE DATE: This priority takes effect on June 28, 1999.

FOR FURTHER INFORMATION CONTACT: For further information about this priority, contact Kimberly Light at the Safe and Drug-Free Schools Program, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202–6123. Telephone: 202–260–3954. Fax: 202–260–7767. *Internet: http://www.ed.gov/offices/OESE/SDFS*.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) upon request to the contact person listed above.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**.

SUPPLEMENTARY INFORMATION: This notice contains the final priority and selection criteria for FY 1999. Under the absolute priority, the Secretary may make awards for up to 12 months to institutions of higher education.

Applications for this competition must be received at the address specified in the notice inviting applications for this competition no later than 4:30 p.m. on the deadline date. Applications received after that time will not be eligible for funding. Postmarked dates will not be accepted.

Absolute Priority

Under 34 CFR 75.105(c)(3), Title VII, Part B of the Higher Education Act of 1965, as amended, and the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1999, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition *only* applications that meet this absolute priority.

Under the absolute funding priority for this grant competition, an IHE that wishes to be considered for an award as a model under this competition must identify, propose to maintain, improve, or further evaluate, and propose to disseminate information about an innovative and effective alcohol or other drug prevention program being used on its campus. Applications must:

(1) Describe an innovative alcohol or other drug prevention program, and indicate how that program is integrated within a comprehensive approach to reducing alcohol and other drug-related problems on campus;

(2) Provide evidence of the effectiveness of the innovative program in reducing either alcohol or other drug use, in reducing the problems resulting from either alcohol or other drug use, or in meeting outcome objectives that are associated with reductions in alcohol or other drug use or resulting problems;

(3) Provide a plan to maintain, improve, or further evaluate the program during the year following award; and

(4) Provide a plan to disseminate information to assist other IHEs in implementing a similar innovative program.

In making awards under this grant program, the Secretary may take into consideration the geographic distribution and the diversity of activities addressed by the projects in addition to the rank order of applicants.

Selection Criteria

The following selection criteria will be used to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points.

(1) *Significance* (30 points).

In determining the significance of the model, the Secretary considers the following factors:

(A) The extent to which the program involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (20 points)

(B) The potential replicability of the program, including, as appropriate, the potential for implementation in a variety of settings. (5 points)

(C) The extent to which the results of the program are to be disseminated in ways that will enable others to use the information or strategies. (5 points)

(2) *Quality of the program design* (40 points).

In determining the quality of the design of the program, the Secretary considers the following factors:

(A) The extent to which the design of the program reflects up-to-date knowledge from research and effective practice. (20 points)

(B) The extent to which the goals, objectives, and outcomes of the program are clearly specified and measurable. (5 points)

(C) The extent to which the design of the program is appropriate to, and successfully addresses, the needs of the target population or other identified needs. (10 points)

(D) The quality of the plan to maintain, improve, or further evaluate the program. (5 points)

In applying the above criteria, the Secretary considers the following information:

(1) The quality of the needs assessment and how well this assessment relates to the goals and objectives of the innovative program;

(2) How well the innovative program is integrated within a comprehensive alcohol and other drug prevention effort;

(3) The level of institutional commitment, leadership and support for alcohol and other drug prevention efforts;

(4) The clarity and strength of the institution's alcohol or other drug policies and the extent to which those policies are broadly disseminated and consistently enforced;

(5) The extent to which students and employees are involved in the program design and implementation process;

(6) The extent to which the institution has joined with community leaders to address AOD issues; and (7) If applying to be considered as an alcohol prevention model, what steps the institution is taking to limit alcoholic beverage sponsorship, advertising, and marketing on campus; and what steps are being taken to establish or expand upon alcohol-free living arrangements for students.

(3) *Quality of the project evaluation* (30 points).

In determining the quality of the evaluation, the Secretary considers the following factors:

(A) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives and outcomes of the program. (10 points)

(B) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the program and produce quantitative and qualitative data to the extent possible. (20 points)

In applying the above criteria, the Secretary considers the following information:

(1) The quality of the evaluation methodology and evaluation instruments;

(2) Whether both process (formative) and outcome (summative) data are included for each year that the alcohol or other drug prevention program has been implemented, including data collected both before and after initiation of the program; and

(3) How evaluation information has been used for continuous improvement of the institution's approach to alcohol or other drug prevention.

Waiver of Proposed Rulemaking

It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, exempts from this requirement rules that apply to the first competition under a new or substantially revised program. Funding was provided for this new initiative in the FY 1999 appropriations act enacted October 21, 1998. The Secretary, in accordance with section 437(d)(1) of GEPA, has decided to forego public comment in order to ensure timely awards.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local government for coordination and review of proposed Federal financial assistance.

In accordance with this order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

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Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 USC 1138–1138d; Public Law 105–277, 112 Stat. 2681, 2681–371.

(Catalogue of Federal Domestic Assistance Number 84.116X, Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education and the Safe and Drug-Free Schools and Communities—Alcohol and Other Drug Prevention Models on College Campuses Grant Competition)

Dated: June 23, 1999.

Judith Johnson,

Acting Assistant Secretary, Office of Elementary and Secondary Education.

Claudio R. Prieto,

Acting Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 99–16408 Filed 6–25–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Clean Power From Integrated Coal/Ore Reduction (CPICOR) Project

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, et seq.), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500–1508), and the DOE NEPA regulations (10 CFR Part 1021), to assess the potential environmental and human health impacts of a proposed project under the Clean Coal Technology Program that would integrate the production of molten iron for steelmaking with the production of electricity. The Clean Power from Integrated Coal/Ore Reduction (CPICOR) project, proposed to be located within the Geneva Steel Company's existing plant at Vineyard, Utah, would demonstrate the integration of the High Intensity Smelting (HIsmelt®) ironmaking process with technology to generate electricity using steam heated by combustion gas from the HIsmelt® process. The EIS will help DOE decide whether to provide 15% of the funding for the $1 billion proposed project.

The purpose of this Notice of Intent is to inform the public about the proposed action; present the schedule for the action; announce the plans for a public scoping meeting; invite public participation in (and explain) the scoping process that DOE will follow to comply with the requirements of NEPA; and solicit public comments for consideration in establishing the proposed scope and content of the EIS. The EIS will evaluate the potential impacts of the proposed project and reasonable alternatives.

DATES: To ensure that the full range of issues related to this proposal is addressed, DOE invites comments on the proposed scope and content of the EIS from all interested parties. All comments must be received by August 16, 1999, to ensure consideration. Late comments will be considered to the extent practicable. In addition to receiving comments in writing and by telephone, DOE will conduct a public scoping meeting in which agencies, organizations, and the general public are invited to present oral comments or suggestions with regard to the range of actions, alternatives, and impacts to be considered in the EIS. The scoping meeting will be held at the Council Chambers of the Provo City Center, 351 W. Center Street, Provo, Utah, at 7 p.m. on Thursday, July 15, 1999. In addition, DOE will host an informational session for interested parties from 5 p.m. until 7 p.m. on the day of the meeting at the Council Chambers. Displays and other forms of information about the proposed project and its location will be available, and DOE personnel will be available to answer questions. The public is invited to this informal session to learn more about the proposed project.

ADDRESSES: Written comments and requests to participate in the public scoping process should be addressed to: Mr. Joseph Renk, NEPA Document Manager, U.S. Department of Energy, Federal Energy Technology Center, P.O. Box 10940, Pittsburgh, PA 15236–0940.

Individuals who would like to provide comments and/or otherwise participate in the public scoping process should contact Mr. Renk directly at telephone 412–892–6249; fax 412–892–4775; e-mail renk@fetc.doe.gov; or by recorded message at toll-free number 1–800–276–9851.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about this project or to receive a copy of the draft EIS when it is issued, contact Mr. Joseph Renk at the address provided above. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0119, 202–586–4600; or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background and Need for Agency Action

Under Public Law 102–154, the U.S. Congress provided authorization and funds to DOE for conducting cost-shared Clean Coal Technology (CCT) Program projects for the design, construction, and operation of facilities that ''* * * shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities * * *'' Under a solicitation in 1992 pursuant to this law (Round V of the CCT Program) and a subsequent appropriation (Public Law 101–512), DOE selected for further consideration for cost-shared funding a proposal from the CPICOR Management Company for design, construction, and operation of a process to integrate production of molten iron for steelmaking with production of electricity for utility distribution.

The demonstration of the CPICOR project under the CCT Program would fulfill an existing programmatic need. Although substantial deposits of coal exist as a resource suitable for and capable of resolving critical energy issues, there are a number of obstacles that present barriers to its increased use. These impediments include: (1) Concerns about environmental issues, such as acid deposition, global climate change, polycyclic aromatic hydrocarbon emissions, and solid waste; (2) commercial demonstration of acceptable coal use technologies; and (3) technical and economic performance of the technologies. Thus, since the early 1970's, DOE and its predecessor agencies have pursued research and development programs that have included long-term, high-risk activities to support the development of a wide variety of innovative coal technologies through the proof-of-concept stage.

However, the availability of a technology at the proof-of-concept stage is not sufficient to ensure its continued development and subsequent commercialization. Before any

technology can be seriously considered for commercialization, it must be demonstrated. The financial risk associated with technology demonstration is, in general, too high for the private sector to assume without strong incentives or legal requirements. The CCT Program was established by Congress and endorsed by the private sector as a way to accelerate the development of innovative technologies to meet the nation's near-term energy and environmental goals, to reduce the business community's investment risk to an acceptable level, and to provide incentives for the private sector to pursue innovative research and development directed at providing solutions to long-range energy supply problems.

Proposed Action

The proposed action is for DOE to provide, through a cooperative agreement with the CPICOR Management Company, cost-shared financial assistance for the design, construction, and operation of the proposed project as described below. The project would cost approximately $1 billion; DOE's share would be nearly $150 million (15%). The proposed project would be located at the existing Geneva Steel Company facilities in Vineyard, Utah.

The CPICOR project would demonstrate the integration of the HIsmelt® ironmaking process with technology for power generation. The HIsmelt® process produces molten iron directly from iron ore and coal in a single integrated operation without any intermediate steps. In contrast, conventional ironmaking technology practiced today requires two separate processes: (1) Initial production of coke from coal in sequential coal charging, coking (heating coal in the absence of air to drive off volatile organic compounds), and coke removal and quenching operations, which result in emissions of particulate matter and hazardous air pollutants (e.g., polycyclic aromatic hydrocarbons); and (2) subsequent use of the produced coke as both a heat source and a reducing agent in a blast furnace with iron ore and limestone to reduce the iron ore to molten iron.

The CPICOR project would produce 3,300 tons per day of molten iron and up to 160 megawatts of electricity (MWe). To produce molten iron, iron ore, coal, and oxygen-enriched hot air would be injected into a closed HIsmelt® molten-bath reactor, which would minimize hazardous air pollutant emissions. The metal bath is the primary reaction medium in which carbon from the coal would reduce iron ore to iron. Molten iron that collects in the bottom of the bath would be continuously tapped from the vessel to maintain a constant level of iron inside the vessel. Slag, would be tapped periodically and used to coat and control the internal cooling system and reduce heat loss.

Based on equivalent production of iron, the HIsmelt® technology is capable of reducing sulfur dioxide emissions by over 85%, oxides of nitrogen by 35%, and particulate matter by over 85%, when compared to conventional ironmaking technology. Desulfurization would occur through reaction of sulfur in the reducing gas with limestone/dolomite additives. The reducing atmosphere in the HIsmelt® process would minimize the formation of oxides of nitrogen. Another environmental benefit of the HIsmelt® process is its ability to process iron oxide wastes (called reverts) produced from conventional iron and steel production. The Geneva Steel site, as well as many other U.S. ironmaking sites, currently houses large inventories of reverts.

In addition to the HIsmelt® unit, the plant would include such new facilities as: an air separation unit to provide approximately 1,000 tons of oxygen per day; a boiler to generate steam; a steam turbine generator to produce electricity; a wet scrubber gas cleaning system to remove particulate matter; and all necessary auxiliary systems. Gas produced in the HIsmelt® unit would be combusted in the boiler to produce: (1) 5,500 tons per day of steam for in-plant use by Geneva Steel and (2) additional steam required to drive a 160-MWe steam turbine. About 140 MWe would be used for internal process needs at the Geneva Steel facilities and the remaining 20 MWe would be available for export to the existing power grid. Following a successful demonstration of the CPICOR project, it is anticipated that the existing coke ovens at the Geneva Steel site would not be replaced as they reach the end of their useful life.

The CPICOR project would occupy approximately 17 acres of previously disturbed land at the Geneva Steel site, and an additional 8 acres of previously disturbed land would be used during construction for laydown, fabrication, and storage areas. Most construction would be related to the HIsmelt® unit, the air separation unit, and the power plant unit. Extension of conveyors to transport coal and other feedstocks to the HIsmelt® unit would be required, along with a new raw material storage facility. Control rooms for the HIsmelt®, air separation, and power plant units would be required. Wherever possible, existing facilities and infrastructure located at the Geneva Steel site would be used for the CPICOR project. These include railway lines/spurs, coal rotary dumpsters, conveyors, day bins, slag handling facilities, and water distribution and wastewater treatment systems.

Project activities would include engineering and design, permitting, procurement, construction, start-up, and demonstration. Assuming timely delivery from the CPICOR project team of the environmental information necessary for developing the EIS, DOE anticipates a 15-month schedule (from date of publication of this Notice of Intent) to complete the EIS and issue a Record of Decision. Upon completing its NEPA review, if DOE decides to implement the proposed action, construction would commence in the year 2001 and demonstration would begin in the year 2003. Verification of the commercial feasibility of the technology would be accomplished through a 30-month test program, during which the plant would be operated on several different types of coal, to test and demonstrate the viability of the technology. Upon completing the demonstration program for DOE, the facility would continue to operate as part of Geneva Steel's commercial plant. The facility would be designed for a lifetime of 30 years.

Alternatives

Section 102(2)(C) of NEPA requires that agencies discuss the reasonable alternatives to the proposed action in an EIS. The purpose for agency action determines the range of reasonable alternatives. Congress established the CCT Program and directed DOE to pursue the goals of the legislation by soliciting proposals and partially funding (cost sharing) projects owned and controlled by non-Federal government sponsors. This statutory requirement places DOE in a much more limited role than if the Federal government were the owner and operator of the project. In the latter situation, DOE would be responsible for a comprehensive review of reasonable alternatives. However, in dealing with an applicant, the scope of alternatives is necessarily more restricted. It is appropriate in such cases for DOE to give substantial weight to the applicant's needs in establishing a project's reasonable alternatives.

An overall strategy for compliance with NEPA was developed for the CCT Program that includes consideration of both programmatic and project-specific

environmental impacts during and after the process of selecting a project. As part of the NEPA strategy, the EIS for the proposed CPICOR project will tier off the Program's final Programmatic Environmental Impact Statement (PEIS) that was issued by DOE in November 1989 (DOE/EIS–0146). Two alternatives were evaluated in the PEIS: (1) the no-action alternative, which assumed that the CCT Program was not continued and that conventional coal-fired technologies with flue gas desulfurization and nitrogen oxide controls to meet New Source Performance Standards would continue to be used; and (2) the proposed action, which assumed that the clean coal projects would be selected and funded, and that successfully demonstrated technologies would undergo widespread commercialization by the year 2010.

The range of reasonable alternatives to be considered in the EIS for the proposed CPICOR project is also narrowed in accordance with the overall NEPA strategy. The EIS will include an analysis of the no-action alternative as a reasonable alternative to the proposed action of providing cost-shared funding support for the proposed project. DOE will consider other reasonable alternatives that may be suggested during the public scoping period.

Under the no-action alternative, DOE would not provide partial funding for the design, construction, and operation of the CPICOR project. In the absence of DOE funding, the CPICOR project probably would not be constructed; therefore, potential environmental impacts or benefits related to its demonstration would not be realized. In addition, the project would not contribute to the general objective of the CCT Program, which is to make available to the U.S. energy marketplace a number of advanced, more efficient, economically feasible, and environmentally acceptable coal technologies.

If the CPICOR facility is not built, other reasonable alternatives for producing coke and molten iron would need to be adopted by Geneva Steel. While the option to do nothing (i.e., continue to operate the blast furnaces using coke) is perhaps the most likely, especially in the near future, it is undesirable because Geneva Steel's coke-making capacity is declining, which would eventually lead to a total dependence on imported coke for iron production. Another option would be to modernize existing blast furnaces to lessen the requirements for coke and to install new coke-making facilities with state-of-the-art pollution controls that are needed to comply with the National Emissions Standards for Hazardous Air Pollutants. In the EIS, DOE will consider both of these options under the no-action alternative.

Because of DOE's limited role of providing cost-shared funding for the proposed CPICOR project, and because of the advantages associated with the proposed location, DOE does not plan to evaluate alternative sites for the proposed project. The project participants initially considered additional sites during their site selection process. Site selection was governed primarily by benefits that could be realized by the companies participating in the project. An existing plant site was preferred because the cost associated with construction of the project at a ''greenfield'' site in an undisturbed area would be much higher and the environmental impacts likely would be much greater than at an existing facility. The site selected for the project had to provide the maximum benefit to the companies by closely meeting the project's technical needs and integrating with existing infrastructure. Because Geneva Steel Company's only facility is located at Vineyard, Utah, no other sites were considered after Geneva Steel was selected as the ironmaking partner for the project.

The existing Geneva Steel plant has several advantages because it is an operating plant with land available for installation of new facilities, and likely would have less impact associated with construction and operation of the facilities. Much of the infrastructure needed for the facilities, including the electric transmission lines and towers, is already in place at the Geneva Steel plant. The molten iron produced by the project can be used in its liquid form at the steel mill. If not sited at a steel mill location, pig iron would need to be produced, which would add a processing step and increase costs. Since pig iron is not a finished product, it would need to be remelted, thus decreasing overall energy efficiency.

Preliminary Identification of Environmental Issues

The following issues have been tentatively identified for analysis in the EIS. This list is not intended to be all inclusive or a predetermined set of potential impacts, but is presented to facilitate public comment on the scope of the EIS. Additions to or deletions from this list may occur as a result of the scoping process. The issues include:

(1) Atmospheric Resources: potential air quality and human health impacts on areas and populations surrounding the site resulting from emissions during current and future facility operations;

(2) Water Resources: potential effects on surface water and groundwater resources consumed and discharged;

(3) Infrastructure and Land Use: potential consequences to land, utilities, transportation routes, and traffic patterns resulting from the proposed project, in particular, due to changes in the amounts of coal and iron ore required;

(4) Solid Waste: pollution prevention and waste management practices, including impacts caused by the generation, treatment, transport, storage, and disposal of solid wastes;

(5) Construction: impacts associated with noise, traffic patterns, and construction-related emissions;

(6) Environmental Justice: potential for disproportionately high and adverse impacts on low-income and minority populations in the surrounding community;

(7) Visual: impacts associated with new structures associated with the proposed project; and

(8) Cumulative effects: incremental impacts of the proposed project when added to other past, present, and reasonably foreseeable future actions (e.g., incremental air emissions affecting air quality and human health).

Public Scoping Process

To ensure that all issues related to this proposal are addressed, DOE will conduct an open process to define the scope of the EIS. The public scoping period will run until August 16, 1999. Interested agencies, organizations, and the general public are encouraged to submit comments or suggestions concerning the content of the EIS, issues and impacts to be addressed in the EIS, and the alternatives that should be analyzed. Scoping comments should clearly describe specific issues or topics that the EIS should address in order to assist DOE in identifying significant issues.

Written, e-mailed, faxed, or telephoned comments should be communicated by August 16, 1999 (see **ADDRESSES** in this Notice).

A public scoping meeting to be conducted by DOE will be held in the Council Chambers of the Provo City Center, 351 W. Center Street, Provo, Utah, on Thursday, July 15, 1999, at 7 p.m. In addition, DOE will hold an informational session at the same location from 5 p.m. to 7 p.m. on the day of the meeting. Displays and other materials and DOE personnel will be available to provide information about the proposed project.

DOE requests that anyone who wishes to speak at this public scoping meeting contact Mr. Joseph Renk, either by phone, fax, computer, or in writing (see **ADDRESSES** in this Notice). Individuals who do not make advance arrangements to speak may register at the meeting (preferably at the beginning of the meeting) and will be given the opportunity to speak after all previously scheduled speakers have made their presentations. Speakers who wish to make presentations longer than five minutes should indicate the length of time desired in their request. Depending on the number of speakers, it may be necessary to limit speakers to five-minute presentations initially, with the opportunity for additional presentations as time permits. Speakers can also provide additional written information to supplement their presentations. Oral and written comments will be given equal consideration.

DOE will begin the meeting with overviews of the proposed CPICOR project and the NEPA process. A presiding officer will be designated by DOE to chair the meeting. The meeting will not be conducted as an evidentiary hearing, and speakers will not be cross-examined. However, speakers may be asked to clarify their statements to ensure that DOE fully understands the comments or suggestions. The presiding officer will establish the order of speakers and provide any additional procedures necessary to conduct the meeting.

Issued in Washington, D.C., this 22nd day of June, 1999.

David Michaels,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 99–16355 Filed 6–25–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–556–000]

Columbia Gas Transmission Corporation; Request Under Blanket Authorization

June 22, 1999.

Take notice that on June 14, 1999, Columbia Gas Transmission Corporation (Columbia), 1201 Fair Lakes Parkway, Fairfax, Virginia 22030–1046, filed in Docket No. CP99–556–000 a request pursuant to Sections 157.205, and 157.216, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain natural gas facilities consisting of 1,772 points of delivery to Columbia Gas of Ohio, Inc. (COH) under Columbia's blanket certificate issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–0400 for assistance).

The points of delivery to be abandoned are located on non-jurisdictional pipeline in northern Ohio that are being sold to Gatherco, Inc (Gatherco). Columbia states that Gatherco has agreed to continue providing the service supplied to these points of delivery. Columbia does not propose a reduction or termination of service as a result of the abandonment. COH will instead shift these volumes to other delivery points.

Any questions regarding the application should be directed to Fredric George at (304) 357–2359 or Larry Willeke at (202) 216–9764, Columbia Gas Transmission Corporation, 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–1046.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–16341 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–337–000]

Discovery Gas Transmission LLC; Tariff Filing

June 22, 1999.

Take notice that on June 17, 1999, Discovery Gas Transmission LLC, (Discovery), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 131, and Third Revised Sheet No. 196, to become effective August 1, 1999.

Discovery states that the purpose of this filing is to comply with the Commission's order issued April 2, 1999, in Docket No. RM96–1–011.

Discovery states that the instant filing reflects changes to the General Terms and Conditions of its Tariff required to implement standards issued by the Gas Industry Standards Board (GISB) and adopted by the Commission in Order No. 587–K issued April 2, 1999, in Docket No. RM 96–1–011. This filing implements changes required by Commission Regulations Section 284.10(b)(1) (i through v), relating to electronic communication with interstate natural gas pipelines promulgated July 31, 1998, by GISB.

Discovery states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16351 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–563–000]

Eastern Shore Natural Gas Company; Request Under Blanket Authorization

June 22, 1999.

Take notice that on June 14, 1999, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 1769, Dover, Delaware 19903–1769, tendered for filing in Docket No. CP99–563–000, request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate new delivery point for E.I. DuPont de Nemours and Company (DuPont), a new customer, under Eastern Shore's blanket certificate issued in Docket No. CP83–40–000 pursuant to Part 157 Subpart F of the Commission's Regulations, all as more fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at: www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Specifically, Eastern Shore would construct and operate metering and regulating facilities and 500 feet of 6-inch service lateral to serve DuPont's Stine-Haskell facility in Newark, Delaware. Eastern Shore states that the facility is currently served by Delmarva Power and Light Company. It is further stated that Eastern Shore will use the facility to deliver up to 250,000 dt per year year on an interruptible basis (Eastern Shore's Rate Schedule IT) and that the shipper will reimburse Eastern shore for the facility costs. Eastern Shore states that the total estimated cost of the proposed facilities is $110,000.

Any questions regarding the application should be directed to Mark Foresman, Engineering Manager, at (302) 734–6710 Ex. 6751, Eastern Shore Natural Gas Company, 417 Bank Lane, Dover, Delaware 19904.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. It no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–16343 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–280–003]

Mid Louisiana Gas Company; Proposed Changes in FERC Gas Tariff

June 22, 1999.

Take notice that on June 17, 1999, Mid Louisiana Gas Company (Mid Louisiana), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be May 10, 1999:

Substitute Fifth Revised Sheet No. 78

Mid Louisiana states that the purpose of this filing is to tender a substitute sheet for Fifth Revised Sheet No. 78. The sheet was filed April 6, 1999 with incorrect pagination, designating it as ''Fourth Revised'' in FERC Docket No. RP99–280–000. The incorrect designation occurred due to the fact that Fourth Revised Sheet No. 78 had been submitted March 29, 1999 in FERC Docket No. RP99–268–000, but had not yet been approved and made effective by the Commission.

As instructed in OPR letter dated May 3, 1999, Mid Louisiana re-filed the sheet in Docket No. RP99–280–002 on May 17, 1999 and corrected the pagination to reflect ''Fifth Revised''. However, Mid Louisiana failed to include, in any filings in the RP99–280 docket, on sheet 78, the appropriate textual modifications as had been submitted on the ''Fourth Revised'' version which version had subsequently been approved by the Commission in OPR Letter Order dated April 27, 1999 in FERC Docket RP99–268–000.

The Substitute Fifth Revised Sheet No. 78 in intended to include all approved textual modifications to Sheet No. 78 as approved by the FERC to date, in both the RPC99–268 and RP99–280 dockets.

Pursuant to Section 154.7(a)(7) of the Commission's Regulations, Mid Louisiana respectfully requests waiver of any additional requirement of the Regulations in order to permit the tendered tariff sheet to become effective May 10, 1999 as submitted.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16347 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–332–001]

OkTex Pipeline Company; Proposed Changes in FERC Gas Tariff

June 22, 1999.

Take notice that on June 16, 1999, OkTex Pipeline Company (OkTex), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute 1st Revised Sheet No. 29A, with an effective date of July 1, 1999.

OkTex states that the substitute tariff sheet is being filed in compliance with the Commission's directives in Order No. 587–K.

Due to an oversight OkTex failed to adopt standards 1.3.14, 1.3.24, and 1.3.27 in its June 8, 1999 filing and is filing a substitution to correct for the oversight. OkTex states that this correction includes changes to OkTex's tariff that resulted from the Gas Industry Standards Board's (GISB) consensus standards that were adopted by the Commission in its April 2, 1999 Order No. 587–K in Docket No. RM96–1–011.

OkTex further states that Order No. 587–K contemplates that OkTex will implement the GISB consensus standards for July 1999 business, and that the tariff sheet therefore reflects an effective date of July 1, 1999.

OkTex states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest this filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16348 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–338–000]

Questar Pipeline Company; Tariff Filing

June 22, 1999.

Take notice that on June 17, 1999, Questar Pipeline Company (Questar), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets with an effective date of August 1, 1999:

Fifth Revised Sheet No. 46B
Third Revised Sheet No. 84
Fourth Revised Sheet Nos. 99A, 99B, 99C, 99D
First Revised Sheet No. 99E
Original Sheet No. 99F

Questar states that the filing is being made in compliance with the Commission's April 2, 1999, Order (the April 2 Order) in Docket No. RM96–1–011, Order No. 587–K.

In the April 2 order, the Commission amended 18 CFR.284.10 governing standards for conducting business practices and electronic communication with interstate natural-gas pipelines. The Commission incorporated by reference, into § 284.10(b)(1)(i)–(v) of its regulations, Version 1.3 of the Gas Industry Standards Board. The regulations incorporated in this filing govern confirmation practices, pipeline internet web sites and revisions to the data sets. The effective date of these standards is August 1, 1999. This tariff filing is tendered as required by the Commission's directives.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the seb at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16352 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–336–000]

Sabine Pipe Line Company; Tariff Filing

June 22, 1999.

Take notice that on June 17, 1999, Sabine Pipe Line Company (Sabine), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to become effective August 1, 1999:

Second Revised Sheet No. 231A
Sixth Revised Sheet No. 297
Third Revised Sheet No. 298

Sabine states that the purpose of this filing is to comply with the Commission's Order issued April 2, 1999, in Docket No. RM96–1–011.

Sabine states that the instant filing reflects changes to the General Terms and Conditions of its Tariff required to implement standards issued by the Gas Industry Standards Board (GISB) and adopted by the Commission in Order No. 587–K issued April 2, 1999, in Docket No. RM 96–1–011. This filing implements changes required by Commission Regulations Section 284.10(b)(1) (i through v), relating to electronic communication with interstate natural gas pipelines promulgated July 31, 1998, by GISB.

Sabine states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16350 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–560–000]

Transcontinental Gas Pipe Line Corporation; Application

June 22, 1999.

Take notice that on June 16, 1999, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and convert a portion of its individually certificated Rate Schedule WSS firm storage service in the Washington Storage Field located in St. Landry Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/htm (call 202–208–2222 for assistance).

Transco proposes to abandon 1,461 Dt equivalent of withdrawal capacity and 124,200 Dt of total storage capacity rendered on behalf of Columbia Gas of Virginia, Inc. (CGV), effective July 31, 1999. It is stated that the storage service

is presently provided under Part 157 of the Commission's regulations pursuant to authorization in Docket No. CP74–33, as amended. It is asserted that CGV has notified Transco by letter dated February 23, 1999, of its intention to terminate its storage service effective July 31, 1999. Transco explains that it held an open season for the capacity, and agreed to provide storage service under its Part 284 blanket certificate for Koch Energy Trading, which submitted a binding nomination for the capacity. It is asserted that no facilities would be abandoned as a result of the proposal and no customers would lose service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–16342 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–335–000]

Transwestern Pipeline Company; Proposed Changes in FERC Gas Tariff

June 22, 1999.

Take notice that on June 16, 1999, Transwestern Pipeline Company (Transwestern), tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to be effective July 17, 1999:

Sixth Revised Sheet No. 95A
Fifth Revised Sheet No. 95B
Fifth Revised Sheet No. 95H
Second Revised Sheet No. 95J

Transwestern is proposing to amend the General Terms and Conditions section of its Tariff to provide additional flexibility in the billing and crediting of demand charges for Releasing Shippers involved in capacity release transactions on Transwestern's system and to update its Tariff to reflect current FERC Regulations.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16349 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER96–689–005, et al.]

Zapco Power Marketers, Inc., et al.; Electric Rate and Corporate Regulation Filings

June 18, 1999.

Take notice that the following filings have been made with the Commission:

1. Zapco Power Marketers, Inc.

[Docket No. ER98–689–005]

Take notice that on June 15, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

2. Energy Transfer Group, L.L.C. and CU Power Canada Limited

[Docket No. ER96–280–013 and Docket No. ER98–4582–002]

Take notice that on June 14, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Commonwealth Edison Company and Commonwealth Edison Company of Indiana

[Docket No. ER99–1967–001]

Take notice that on June 11, 1999, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd) filed to comply with the Commission's May 12, 1999 ''Order on Interim Procedures'' issued in the above-referenced proceeding.

Copies of the filing were served upon all parties to the proceeding.

Comment date: July 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. CP Power Sales Eleven, L.L.C.

[Docket No. ER99–3202–000]

Take notice that on June 10, 1999, CP Power Sales Eleven, L.L.C., tendered for filing a Notice of Succession on behalf of CL Power Sales Eleven, L.L.C. Effective May 18, 1999, CL Power Sales

Eleven, L.L.C., changed its name to CP Power Sales Eleven, L.L.C.

Comment date: June 30, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Cinergy Services, Inc.

[Docket No. ER99–3236–000]

Take notice that on June 14, 1999, Cinergy Services, Inc. (Cinergy), on behalf of its operating affiliates PSI Energy, Inc., and The Cincinnati Gas & Electric Company, tendered for filing (1) an unexecuted Service Agreement between Cinergy and the Blue Ridge Power Agency (BRPA) that provides for the sale of certain ancillary services to certain cities that are members of the BRPA; and (2) a Letter Agreement which on an interim basis provides similar ancillary services to BRPA as provided under the Service Agreement. An executed copy of the Service Agreement will be filed as soon as it is available.

Cinergy has requested waivers of the Commission's regulations in order that the Letter Agreement become effective as of December 14, 1998, and the Service Agreement becomes effective at the earliest possible date.

Copies of this filing have been served upon the public utility commissions of Indiana, Ohio, Kentucky, and Virginia, the BRPA and the American Electric Power Company.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Rochester Gas and Electric Corporation

[Docket No. ER99–3237–000]

Take notice that on June 14, 1999, Rochester Gas and Electric Corporation (RG&E), tendered for filing a Market Based Service Agreement between RG&E and. Dayton Power & Light Company (Customer). This Service Agreement specifies that the Customer has agreed to the rates, term and conditions of RG&E's FERC Electric Rate Schedule, Original Volume No. 3 (Power Sales Tariff) accepted by the Commission.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of June 11, 1999, for Dayton Power & Light's Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Minnesota Power, Inc.

[Docket No. ER99–3238–000]

Take notice that on June 14, 1999, Minnesota Power, Inc. (MP), tendered for filing signed Service Agreements with Central Illinois Light Company, and Merchant Energy Group of the Americas, Inc., under MP's cost-based Wholesale Coordination Sales Tariff WCS–1 to satisfy its filing requirements under this tariff.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Vermont Electric Power Company, Inc.

[Docket No. ER99–3239–000]

Take notice that on June 14, 1999, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a non-firm point-to-point service agreement with FPL Energy Power Marketing, Inc., as a customer under the terms of VELCO's Local Open Access Transmission Tariff. VELCO also filed a revised List of Customers With Active Service Agreements.

VELCO asks that this agreement and the revised List of Customers become effective as of the date of filing. Accordingly, VELCO requests a waiver of the Commission's notice requirements.

Copies of this filing were served on the customer, the Vermont Department of Public Service, and the Vermont Public Service Board.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. ISO New England Inc.

[Docket No. ER99–3240–000]

Take notice that on June 15, 1999, ISO New England Inc. (the ISO), tendered for filing, pursuant to Section 205 of the Federal Power Act, revisions to Appendix 5–C to NEPOOL Market Rule 5 together with a request that the Commission accept the revisions on an expedited basis.

The ISO and the NEPOOL Executive Committee state that copies of these materials were sent to the Participants in the New England Power Pool, non-Participant transmission customers and to the New England state governors and regulatory commissions.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Public Service Company) Docket No. ER99–3241–000

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credits resulting from its merger with Public Service company of Colorado required in its agreement with Golden Spread Electric Cooperative, Inc. (Golden Spread), filed in Docket No ER97–47–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Southwestern Public Service Company

[Docket No. ER99–3242–000]

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Central Valley Electric Cooperative, Inc. (Central Valley), filed in Docket No ER97–3904–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Southwestern Public Service Company

[Docket No. ER99–3243–000]

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with New Corp Resources, Inc. (New Corp), filed in Docket No ER97–3903–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Southwestern Public Service Company

[Docket No. ER99–3244–000]

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Roosevelt Electric Cooperative, Inc. (Roosevelt), filed in Docket No ER97–3902–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Southwestern Public Service Company

[Docket No. ER99–3245–000]

Take notice that on June 15, 1999, Southwestern Public Service Company

(Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Lyntegar Electric Cooperative, Inc. (Lyntegar), filed in Docket No ER97–3906–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Southwestern Public Service Company

[Docket No. ER99–3246–000]

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Farmers' Electric Cooperative, Inc. (Farmers), filed in Docket No ER97–3901–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Northeast Utilities Service Company

[Docket No. ER99–3247–000]

Take notice that on June 15, 1999, Northeast Utilities Service Company tendered for filing notice that effective June 30, 1999 at hour ending 2400, CL&P Rate Schedule FERC No. 281 and WMECO Rate Schedule FERC No. 220 and supplements thereto, filed with the Federal Energy Commission by Northeast Utilities Service Company affiliates, The Connecticut Light and Power Company, and Western Massachusetts Electric Company in FERC Docket No. ER93–358–000, are to be terminated in accordance with their terms and by notice to the parties thereto.

Notice of the proposed termination has been served upon Massachusetts Municipal Wholesale Electric Company, the sole customer served under this rate schedule.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Energy Massachusetts, Inc.

[Docket No. ER99–3248–000]

Take notice that on June 15, 1999, Consolidated Edison Energy Massachusetts, Inc. (CEEMI), tendered for filing CEEMI Electric Rate Schedule No. 1, for the wholesale sale of electric energy, capacity and ancillary services at market-based rates.

CEEMI states that a copy of this filing has been served by mail upon The New York State Public Service Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Avista Corporation

[Docket No. ER99–3249–000]

Take notice that on June 15, 1999, Avista Corporation (AVA), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 an executed Interconnection and Operating Agreement between AVA and Public Utility District No. 1 of Pend Oreille County.

AVA requests an effective date of February 14, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. California Independent System Operator Corporation

[Docket No. ER99–3250–000]

Take notice that on June 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities (Meter Service Agreement) between the ISO and Green Power Partners I LLC—WECS 98, for acceptance by the Commission.

The ISO states that this filing has been served on Green Power Partners I LLC—WECS 98 and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of May 28, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Southwestern Public Service Company

[Docket No. ER99–3251–000]

Take notice that on June 15, 1999, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Lea County Electric Cooperative, Inc. (Lea County), filed in Docket No ER97–3905–000.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Entergy Services, Inc.

[Docket No. ER99–3252–000]

Take notice that on June 15, 1999, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Gulf States, Inc. (EGSI), tendered for filing an Interconnection and Operating Agreement between Entergy Gulf States and Exxon Company, U.S.A. (Exxon).

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. California Independent System Operator Corporation

[Docket Nos. ER99–3254–000]

Take notice that on June 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between Green Power Partners I LLC (Green Power) and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Green Power and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective as of May 28, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. PJM Interconnection, L.L.C.

[Docket No. ER99–3255–000]

Take notice that on June 15, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing four signature pages of parties to the Reliability Assurance Agreement among Load Serving Entities in the PJM Control Area (RAA), and an amended Schedule 17 listing the parties to the RAA.

PJM states that it served a copy of its filing on all parties to the RAA, including each of the parties for which a signature page is being tendered with this filing, and each of the electric regulatory commissions within the PJM Control Area.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. PJM Interconnection, L.L.C.

[Docket No. ER99–3256–000]

Take notice that on June 15, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing an executed service agreement for Network Integration Transmission Service between PJM and UGI Utilities, Inc.

Copies of this filing were served upon all PJM Members UGI Utilities, Inc., and the Pennsylvania Public Utilities Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Colockum Transmission Company, Inc.

[Docket No. ER99–3257–000]

Take notice that on June 15, 1999, pursuant to Section 35.15(a), 18 CFR 35.15(a) of the Commission's Regulations, Colockum Transmission Company, Inc. (Colockum) tendered for filing with the Federal Energy Regulatory Commission a Notice of Termination of the 1988 Exchange Agreement between Colockum and PacifiCorp, effective date July 1, 1988, designated as Colockum Rate Schedule FERC No. 2.

Additionally, pursuant to Section 35.15(a) of the Commission's Regulations, Colockum requests an effective date for this termination 60 days from the date of filing or August 14, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. California Independent System Operator Corporation

[Docket No. ER99–3258–000]

Take notice that on June 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities (Meter Service Agreement) between the ISO and Green Power Partners I LLC—WECS 67 for acceptance by the Commission.

The ISO states that this filing has been served on Green Power Partners I LLC—WECS 67 and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of May 28, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. California Independent System Operator Corporation

[Docket No. ER99–3259–000]

Take notice that on June 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between Sempra Energy Trading Corp. (Sempra Energy) and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Sempra Energy and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective as of June 1, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. California Independent System Operator Corporation

[Docket No. ER99–3260–000]

Take notice that on June 15, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities (Meter Service Agreement) between the ISO and Green Power Partners I LLC—WECS 28 for acceptance by the Commission.

The ISO states that this filing has been served on Green Power Partners I LLC—WECS 28 and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of May 28, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Vermont Electric Power Company, Inc.

[Docket No. ER99–3261–000]

Take notice that on June 14, 1999, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a firm point-to-point service agreement with FPL Energy Power Marketing, Inc., as a customer under the terms of VELCO's Local Open Access Transmission Tariff. VELCO also filed a revised List of Customers With Active Service Agreements.

VELCO asks that this agreement and the revised List of Customers become effective as of the date of filing. Accordingly, VELCO requests a waiver of the Commission's notice requirements.

Copies of this filing were served on the customer, the Vermont Department of Public Service, and the Vermont Public Service Board.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Boston Edison Company

[Docket No. ER99–3269–000]

Take notice that on June 15, 1999, Boston Edison Company (Edison) of Boston, Massachusetts, joined and supported by Montaup Electric Company (Montaup), tendered for filing the Fifth Amendment to its FERC Electric Rate Schedule No. 69. The Fifth Amendment was executed by Edison and Montaup for the purpose of extending the time for Montaup to make its Closing Payments to Edison in connection with the sale of Edison's Pilgrim nuclear power plant to Entergy Nuclear Generation Company. The Fifth Amendment has no rate change effects. Edison and Montaup request a July 8, 1999, effective date of the amendment.

Edison states that copies of the filing have been served on the Massachusetts and Rhode Island attorney generals and on the service list compiled in Docket Nos. EC99–18-000, et al.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. UtiliCorp United Inc.

[Docket No. ES99–42–000]

Take notice that on June 14, 1999, UtiliCorp United Inc. (UtiliCorp), tendered for filing an application, under Section 204 of the Federal Power Act, for authorization to issue up to $500 million of debt securities to be issued from time to time in one or more series.

UtiliCorp also requested exemption from compliance with the Commission's competitive bidding or negotiated placement requirements at 18 CFR 34.2.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

32. Portland General Electric Company

[Docket No. ES99–43–000]

Take notice that on June 16, 1999, Portland General Electric Company (PGE) filed an application with the Federal Energy Regulatory Commission, under Section 204 of the Federal Power Act requesting authorization to issue not more than $350 million of short-term debt from time to time through July 31, 2001.

Comment date: July 9, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://

www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16280 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Temporary Variance Request and Soliciting Comments, Motions To Intervene, and Protests

June 22, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for Temporary Variance.

b. *Project No.:* 2210–028

c. *Date filed:* June 17, 1999.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* Smith Mountain Project.

f. *Location:* On the Roanoke River, Bedford, Franklin, Campbell, Pittsylvania, and Roanoke Counties, Virginia. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Frank M. Simms, American Electric Power, 1 Riverside Plaza, Columbus, OH 43215–2973, (614) 223–2918.

i. *FERC Contact:* Robert Fletcher, robert.fletcher@ferc.fed.us, 202–219–1206.

j. *Deadline for filing comments, motions to intervene and protest:* 14 days from the issuance date of this notice. Please include the project number (2210–028) on any comments or motions filed. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

k. *Description of Application:* On June 17, 1999, the Commission approved an emergency 45-day variance (which will expire on August 1, 1999) to reduce the minimum flow requirements of article 29 from 650 cubic feet per second (cfs) to 400 cfs during the drought conditions occurring at the Smith Mountain Project. The licensee continues to consult with the various resource agencies and stakeholders upstream and downstream of the project. The current situation is similar to that which existed last year for the project whereby the Commission granted a 45-day emergency variance to article 29 and a subsequent 45-day extension after a public notice. In anticipation of no immediate relief to the low inflow situation at the Smith Mountain Project again this year and the distinct possibility that relief will not be forthcoming by August 1, 1999, the licensee is requesting to continue the temporary variance to license article 29 through September 30, 1999.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in the item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents) Any filings must bear in all capital letters the title ''COMMENTS'', RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–16344 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 22, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11745–000.

c. *Date Filed:* May 24, 1999.

d. *Applicant.* Universal Electric Power Corporation.

e. *Name of Project:* Toad Suck Ferry L&D #8.

f. *Location:* On the Arkansas River, near the town of Conway, Faulkner County, Arkansas, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp. 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a coy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' Toad Suck Ferry L&D #8 and

would consist of: (1) Five new 40-foot-long, 114-inch-diameter steel penstocks; (2) a new 300-foot-long, 30-foot-wide, 30-foot-high powerhouse containing five generating units having a total installed capacity of 9,000-kW; (3) a new exhaust apron; (4) a new 4-mile-long, 14.7-kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 55 GWh and that the cost of the studies to be performed under the terms of the permit would be $2,000,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance.). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

FIling and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–16345 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 22, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11746–000.

c. *Date Filed:* May 24, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* David Terry L&D #6.

f. *Location:* On the Arkansas River, near the town of Pine Bluff, Pulaski County, Arkansas, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' David Terry L&D #6 and

would consist of: (1) 15 new 40-foot-long, 114-inch-diameter steel penstocks; (2) a new, 1,000-foot-long, 30-foot-wide, 30-foot-high powerhouse containing 16 generating units having a total installed capacity of 30,600–kW; (3) a new exhaust apron; (4) a new 500-foot-long, 14.7–kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 188 GWh and that the cost of the studies to be performed under the terms of the permit would be $3,500,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent of submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–16346 Filed 6–25–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

June 23, 1999.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: June 30, 1999, 10:00 A.M.

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the Agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers Secretary, Telephone (202) 208–0400 for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro 722nd Meeting—June 30, 1999, Regular Meeting (10:00 A.M.)

CAH–1.
DOCKET# P–2311 029, CROWN-VANTAGE-NEW HAMPSHIRE ELECTRIC, INC.

CAH–2.
OMITTED

CAH–3.
DOCKET# P–9423 025, SUMMIT ENERGY STORAGE, INC.

CAH–4.
DOCKET# P–10536 004, PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON
OTHER#S P–10536 005, PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON

CAH–5.
DOCKET# P–10703 005, CITY OF CENTRALIA (WASHINGTON) LIGHT DEPARTMENT

CAH–6.
DOCKET# UL98–1 001, GREAT NORTHERN PAPER, INC.

OTHER#S P–2634 006, GREAT NORTHERN PAPER, INC.
CAH–7.
DOCKET# P–2114 070, PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

Consent Agenda—Electric

CAE–1.
OMITTED
CAE–2.
DOCKET# ER99–2762 000, SAN DIEGO GAS & ELECTRIC COMPANY
CAE–3.
DOCKET# ER99–2893 000, PJM INTERCONNECTION, L.L.C.
CAE–4.
DOCKET# ER99–2914 000, PJM INTERCONNECTION, L.L.C.
CAE–5.
DOCKET# ER99–2776 000, AMEREN OPERATING COMPANIES
CAE–6.
DOCKET# ER99–2833 000, MEP PLEASANT HILL, LLC
CAE–7.
DOCKET# ER99–2900 000, WISCONSIN ELECTRIC POWER COMPANY
CAE–8.
DOCKET# ER99–2884 000, PACIFIC GAS AND ELECTRIC COMPANY
CAE–9.
DOCKET# ER99–2609 000, FIRSTENERGY OPERATING COMPANIES
OTHER#S EL99–71 000, FIRSTENERGY OPERATING COMPANIES
CAE–10.
DOCKET# ER99–2822 000, GREEN POWER PARTNERS I LLC
OTHER#S ER99–2388 000, JERSEY CENTRAL POWER & LIGHT COMPANY, METROPOLITAN EDISON COMPANY AND PENNSYLVANIA ELECTRIC COMPANY
ER99–2404 000, SITHE MARYLAND HOLDINGS LLC, SITHE KEYSTONE LLC, SITHE CONEMAUGH LLC, SITHE HUNTERSTOWN LLC AND SITHE ORRTANNA LLC, ET AL.
ER99–2817 000, UGI DEVELOPMENT COMPANY
ER99–2917 000, FPL ENERGY MH50, L.P.
ER99–2923 000, PHELPS DODGE ENERGY SERVICES, LLC
ER99–2928 000, CLECO EVANGELINE LLC
ER99–2948 000, BALTIMORE GAS AND ELECTRIC COMPANY
ER99–2973 000, FIBERTEK ENERGY, LLC
CAE–11.
DOCKET# ER99–2852 000, ARIZONA PUBLIC SERVICE COMPANY
CAE–12.
DOCKET# ER99–2847 000, SOUTHERN CALIFORNIA EDISON COMPANY
CAE–13.
DOCKET# ER99–2941 000, MONTAUP ELECTRIC COMPANY
CAE–14.
DOCKET# EC98–50 002, CAMBRIDGE ELECTRIC LIGHT COMPANY
OTHER#S EC98–50 001, CAMBRIDGE ELECTRIC LIGHT COMPANY
ER98–1522 002, CAMBRIDGE ELECTRIC LIGHT COMPANY
CAE–15.
DOCKET# QF95–61 002, GEYSERS POWER COMPANY, LLC
CAE–16.
DOCKET# OA97–237 005, NEW ENGLAND POWER POOL
OTHER#S ER97–1079 004, NEW ENGLAND POWER POOL
ER97–3574 003, NEW ENGLAND POWER POOL
ER97–4421 003, NEW ENGLAND POWER POOL
ER98–499 002, NEW ENGLAND POWER POOL
OA97–608 003, NEW ENGLAND POWER POOL
CAE–17.
OMITTED
CAE–18.
DOCKET# ER97–3729 000, PJM INTERCONNECTION, L.L.C.
OTHER#S ER97–3729 001, PJM INTERCONNECTION, L.L.C.
CAE–19.
DOCKET# ER99–2012 001, NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL
CAE–20.
DOCKET# EC99–33 000, BEC ENERGY AND COMMONWEALTH ENERGY SYSTEM
CAE–21.
DOCKET# ER98–2382 003, MONTANA POWER COMPANY
CAE–22.
DOCKET# ER98–2028 000, ENTERGY SERVICES, INC.
CAE–23.
DOCKET# ER98–2184 002, AES HUNTINGTON BEACH, L.L.C.
OTHER#S ER98–2184 003, AES HUNTINGTON BEACH, L.L.C.
ER98–2185 002, AES ALAMITOS, L.L.C.
ER98–2185 003, AES ALAMITOS, L.L.C.
ER98–2186 002, AES REDONDO BEACH, L.L.C.
ER98–2186 003, AES REDONDO BEACH, L.L.C.
CAE–24.
DOCKET # RM87–3035, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986
OTHER #S RM87–3036, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986
RM87–3037, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986
CAE–25.
DOCKET # RM95–9008, OPEN-ACCESS SAME-TIME INFORMATION SYSTEM AND STANDARDS OF CONDUCT
CAE–26.
DOCKET # EL98–35000, NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC. V. PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
CAE–27.
DOCKET # EL99–63000, CITY OF ANAHEIM, CALIFORNIA
OTHER #S EL99–64000, CITY OF RIVERSIDE, CALIFORNIA
CAE–28.
DOCKET # NJ98–4002, LONG ISLAND POWER AUTHORITY AND LONG ISLAND LIGHTING COMPANY
OTHER #S NJ97–8004, SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Consent Agenda—Gas and Oil

CAG–1.
DOCKET # RP99–311000, TEXAS EASTERN TRANSMISSION CORPORATION
CAG–2.
DOCKET # RP99–312000, ALGONQUIN GAS TRANSMISSION COMPANY
CAG–3.
DOCKET # RP99–325000, TENNESSEE GAS PIPELINE COMPANY
CAG–4.
DOCKET # RP99–326000, TENNESSEE GAS PIPELINE COMPANY
CAG–5.
DOCKET # RP99–327000, TEXAS GAS TRANSMISSION CORPORATION
CAG–6.
DOCKET # RP99–328000, TENNESSEE GAS PIPELINE COMPANY
CAG–7.
DOCKET # TM99–1–8000, SOUTH GEORGIA NATURAL GAS COMPANY
CAG–8.
OMITTED
CAG–9.
DOCKET # RP99–308000, NORTHWEST ALASKAN PIPELINE COMPANY
OTHER #S RP99–308001, NORTHWEST ALASKAN PIPELINE COMPANY
CAG–10.
DOCKET # RP99–315000, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–11.
DOCKET # RP99–322000, NORTHERN BORDER PIPELINE COMPANY
CAG–12.
DOCKET # TM99–2–53000, K N INTERSTATE GAS TRANSMISSION COMPANY
CAG–13.
DOCKET # TM99–1–160000, DISCOVERY GAS TRANSMISSION LLC
CAG–14.
DOCKET # RP99–310000, SOUTHERN NATURAL GAS COMPANY
CAG–15.
DOCKET # RP97–151009, MID LOUISIANA GAS COMPANY
CAG–16.
OMITTED
CAG–17.
DOCKET # RP98–388000, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–18.
DOCKET # RP99–303000, WESTERN GAS INTERSTATE COMPANY
CAG–19.
DOCKET # RP99–305000, NORTHERN BORDER PIPELINE COMPANY
CAG–20.
DOCKET # PR99–4002, CONSUMERS ENERGY COMPANY
CAG–21.
DOCKET # RP98–391003, COLORADO INTERSTATE GAS COMPANY
CAG–22.
DOCKET # OR96–18000, WILLIAMS PIPE LINE COMPANY
CAG–23.
DOCKET # IS99–37000, PLATTE PIPE LINE COMPANY
CAG–24.

DOCKET # IS99–268000, AMOCO PIPELINE COMPANY
OTHER #S IS99–268001, AMOCO PIPELINE COMPANY
CAG–25.
DOCKET # OR99–7000, TE PRODUCTS PIPELINE COMPANY, L.P.
CAG–26.
DOCKET # OR99–1000, EXPLORER PIPELINE COMPANY
OTHER #S OR99–1001, EXPLORER PIPELINE COMPANY
CAG–27.
DOCKET # OR99–12000, CONOCO PIPE LINE COMPANY
OTHER #S OR99–9000, PLATTE PIPE LINE COMPANY
OR99–10000, PLANTATION PIPE LINE COMPANY
OR99–11000, PIONEER PIPE LINE COMPANY
OR99–13000, YELLOWSTONE PIPE LINE COMPANY
OR99–14000, EQUILON PIPELINE COMPANY LLC
CAG–28.
DOCKET # MG99–12001, TOTAL PEAKING SERVICES, L.L.C.
CAG–29.
DOCKET # MG99–16000, OZARK GAS TRANSMISSION SYSTEM AND OZARK GAS TRANSMISSION, L.L.C.
CAG–30.
DOCKET # MG99–17000, ARKANSAS WESTERN PIPELINE, L.L.C.
CAG–31.
DOCKET # CP99–138000, ANR PIPELINE COMPANY
CAG–32.
DOCKET # CP99–56000, LBU JOINT VENTURE
CAG–33.
DOCKET # CP99–233000, FLORIDA GAS TRANSMISSION COMPANY
CAG–34.
DOCKET # CP99–277000, NORTHWEST PIPELINE CORPORATION
CAG–35.
DOCKET # CP95–168002, SEA ROBIN PIPELINE COMPANY
CAG–36.
DOCKET # TM99–3–59002, NORTHERN NATURAL GAS COMPANY
CAG–37.
DOCKET # OR99–15001, WOLVERINE PIPE LINE COMPANY

Hydro Agenda

H–1.
RESERVED

Electric Agenda

E–1.
RESERVED

Regular Agenda—Miscellaneous

M–1.
OMITTED

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
RESERVED

II. Pipeline Certificate Matters

PC–1.
DOCKET # RM99–5000, REGULATIONS UNDER THE OCSLA GOVERNING THE MOVEMENT OF NATURAL GAS ON FACILITIES ON THE OUTER CONTINENTAL SHELF, NOTICE OF PROPOSED RULEMAKING.

David P. Boergers,

Secretary.

[FR Doc. 99–16561 Filed 6–24–99; 3:48 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6368–3]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with Samuels Recycling Company. The settlement requires the settling party to pay $74,771.45 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–550 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16378 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6367–8]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with GNB Technologies Inc. The settlement requires the settling party to pay $57,270.13 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–548 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16379 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6367–9]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with the following settling parties: Universal Scrap Metals, Inc.; Cozzi Iron & Metal, Inc./Scrap Processing, Inc./Balco Metals, Inc.; H. Diamond Iron & Metal Co.; Sadoff & Rudoy Industries d/b/a Sadoff Iron & Metal Company, Gus Holman Company, and Alfred Muchin Company; H. Kramer & Co.; Azcon Corporation; Mandel Metals Inc.; General Motors Corporation; Brandenburg Industrial Service Co.; and Southern Scrap Material Co., Limited (through its successor company Southern Scrap Material Co., L.L.C.), its member Southern Recycling, L.L.C., and its member Southern Holdings, Inc. The settlement requires the settling parties to pay $370,400 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–549 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16380 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6368–1]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with Indiana Iron & Metal Company, Inc. and Nathan Burnstein. The settlement requires the settling parties to pay $5,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–551 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16381 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6367–7]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with Consumers Recycling, Inc. The settlement requires the settling party to pay $26,101.61 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–547 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16382 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6368–2]

Proposed CERCLA Administrative Cost Recovery Settlement; Standard Scrap Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Standard Scrap site (a/k/a Standard Scrap Metal/Chicago International Exporting Site) in Chicago, Cook County, Illinois with Parks Pioneer Corporation. The settlement requires the settling party to pay $22,316.36 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604.

DATES: Comments must be submitted on or before July 28, 1999.

ADDRESSES: The proposed settlement is available for public inspection at 77 W. Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951. Comments should reference the Standard Scrap Site, Chicago, Cook County, Illinois and EPA Docket No. V–W–'99–C–552 and should be addressed to Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

FOR FURTHER INFORMATION CONTACT: Mike Anastasio, U.S. Environmental Protection Agency, Office of Regional Counsel, Mail Code C–14J, 77 W. Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 886–7951.

Dated: May 28, 1999.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 99–16383 Filed 6–25–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

June 21, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's

burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 28, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0812.

Title: Assessment and Collection of Regulatory Fees.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, and not-for-profit institutions.

Number of Respondents: 635,738.

Estimated Time Per Response: 0.5 hours.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirement.

Total Annual Burden: 63,574 hours.

Total Annual Cost: N/A.

Needs and Uses: The Federal Communications Commission, in accordance with the Communications Act of 1934, as amended, is required to assess and collect regulatory fees from its licensees and regulatees in order to recover its costs incurred in conducting enforcement, policy and rulemaking, international and user information activities. The purpose for the requirements are to: (1) Facilitate the statutory provision that non-profit entities may be exempt from payment of regulatory fees, and (2) facilitate the FCC's ability to audit regulatory fee payment compliance in the Commercial Mobile Radio Services (CMRS) industry.

In order to develop a Schedule of Regulatory Fees, the FCC must as accurately as possible, estimate the number of payment units and distribute the costs. These estimates must be adjusted to account for any licensees or regulatees that are exempt from payment of regulatory fees. Therefore, the FCC is requiring all licensees and regulatees that claim exemption as a non-profit entity to provide one-time documentation sufficient to establish their non-profit status. Additionally, any newly licensed or operating non-profit entities must submit their documentation of their exempt status within 60 days of receipt of license, authorization, permit or of commencing operation. Further, the FCC is requesting that it be similarly notified if for any reason that status changes. This documentation will likely take the form of an Internal Revenue Service (IRS) Determination Letter, a state charter indicating non-profit status, proof of church affiliation, *et al.*

In order to facilitate audits of regulatory fee payment compliance in the CMRS industry, the FCC must require these licensees to submit, upon request, business data they relied upon to calculate the amount of the aggregate regulatory fees owed.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–16338 Filed 6–25–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee; Notice of Public Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of a meeting of the Network Reliability and Interoperability Council (''Council''), which will be held at the Federal Communications Commission in Washington, DC.

DATES: July 14, 1999 at 2:00 p.m.–4:00 p.m.

ADDRESS: Federal Communications Commission, Commission Meeting Room, Room TW–C305, 445 12th St. SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Marsha MacBride, Executive Director of the FCC Year 2000 Task Force and Designated Federal Officer of the Council, 445 12th St. SW, Washington, DC 20554; telephone (202) 418–2379, e-mail year2000@fcc.gov.

Press Contact, Audrey Spivak, Office of Public Affairs, 202–418–0512, aspivak@fcc.gov.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability. One of the current issues before the Council is the risk that the Year 2000 date conversion problem presents for the telecommunications networks.

The agenda for the meeting is as follows: The Council will review assessment and testing reports from Focus Groups 1 and 2. Focus Group 3 will provide initial recommendations on Subcommittee 1. Finally, the Network Reliability Steering Committee will provide its quarterly report.

Information concerning the activities of NRIC can be reviewed at the Council's website <www.nric.org>. Material relevant to the July 14, 1999 meeting will be posted there.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. A live RealAudio feed will be available over the Internet; information on how to tune in can be found at the Commission's website <www.fcc.gov≤.

The public may submit written comments to the Council's designated Federal Officer before the meeting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–16319 Filed 6–25–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their

views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 12, 1999.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Robert Cary McNair, Houston, Texas; to acquire additional voting shares of Southwest Bancorporation of Texas, Inc., Houston, Texas, and thereby indirectly acquire additional voting shares of Southwest Bank of Texas, N.A., Houston, Texas.

Board of Governors of the Federal Reserve System, June 22, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16284 Filed 6–25–99; 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 July 12, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Westdeutsche Landesbank Girozentrale, Dusseldorf, Germany; to acquire through its subsidiary, Criterion Investment Management, Houston, Texas, certain assets of Nicholas-Applegate Capital Management, Houston, Texas, and thereby engage in financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, June 22, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16285 Filed 6–25–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Friday, July 2, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve Ssytem employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of a bank and bank holding company applications scheduled for the meeting; ro you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16560 Filed 2–24–99; 3:42 pm]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention, Food and Drug Administration, and National Institutes of Health

Development of a Public Health Action Plan to Combat Antimicrobial Resistance

The Centers for Disease Control and Prevention (CDC), Food and Drug Administration (FDA), and National Institutes of Health (NIH) announce an open meeting concerning antimicrobial resistance.

Name: Development of a Public Health Action Plan to Combat Antimicrobial Resistance.

Times and Dates: 10:30 a.m.–6 p.m., July 19, 1999. 8a.m.–6 p.m., July 20, 1999. 8a.m.–3:30 p.m., July 21, 1999.

Place: Sheraton Atlanta Hotel, 165 Courtland at International Boulevard, Atlanta, Georgia 30303.

Status: Open to the public, limited only by the space available.

Purpose: To solicit input from invited consultants regarding items to be included in a Public Health Action Plan that, when published, will serve as a blueprint for activities of Federal agencies to combat antimicrobial resistance. The Plan is being developed by a Task Force composed of Federal personnel from several Federal agencies and departments, co-chaired by CDC, FDA, and NIH. The focus of the Plan will be on domestic activities.

Matters To Be Discussed: The agenda will focus on the following topics related to antimicrobial resistance:

1. Surveillance
2. Prevention and control
3. Research
4. Product development

Comments and suggestions from the consultants for specific action items for Federal agencies related to each of these topics will be taken under advisement by the task force. The Task Force may also utilize other sources of information in developing the Action Plan. The agenda does not include development of consensus positions, guidelines, or discussions or endorsements of specific commercial products.

Agenda items are subject to change as priorities dictate.

Limited time will be available for oral comments and suggestions from the public. Written comments and suggestions from the public are encouraged and should be received by the contact person listed below by August 22, 1999.

Persons anticipating attending the meeting are requested to send written notification by July 12, 1999, including name, organization (if applicable), address, phone, fax, and email addresses to the contact below.

FOR FURTHER INFORMATION CONTACT: Minnie Johnson, Antibiotic Resistance, NCID, CDC, M/S C–20, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–2603, fax 404/639–4139, E-mail: mlj2@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 21, 1999.

Carolyn J. Russell,

Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–16298 Filed 6–25–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Centers

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Centers, Program Announcement #98047, meeting.

Times and Dates:

9 a.m.–5 p.m., July 12, 1999 (Closed).
8 a.m.–9 a.m., July 13, 1999 (Open).
9 a.m.–5 p.m., July 13, 1999 (Closed).
8 a.m.–5 p.m., July 14, 1999 (Closed).
8 a.m.–5 p.m., July 15, 1999 (Closed).
8 a.m.–5 p.m., July 16, 1999 (Closed).

Place: Sheraton Colony Square Hotel, 188 14th St., NE, Atlanta, GA. Telephone 404/892–6000.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #98047.

This notice is being published less than 15 days prior to the meeting, due to administrative delays.

Contact Person for More Information: Marshall Kreuter, Ph.D., Associate Director for Health Promotion, Policy and Program Development, Division of Adult and Community Health, National Center for Chronic Disease Prevention and Health Promotion, 3005 Chamblee Tucker Rd., Atlanta, GA., 30341–4133. Telephone 770/488–5832. E-mail *mak2@cdc.gov.*

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 21, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.

[FR Doc. 99–16297 Filed 6–25–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Arthritis Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 21, 1999, 8 a.m. to 5 p.m.

Location: Holiday Inn, Walker/Whetstone Salons, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Kathleen R. Reedy or LaNise S. Giles, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, or email reedyk@cder.fda.gov or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12532. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss the evidence needed to establish that a drug product has a beneficial effect on joint structure in patients with osteoarthritis.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 12, 1999. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 noon. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 12, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 18, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–16314 Filed 6–25–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 26, 1999, 10:30 a.m. to 5 p.m., and July 27, 1999, 7:30 a.m. to 2:30 p.m.

Location: Hilton Hotel, Salons B and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Hany W. Demian or Mark N. Melkerson, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12521. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 27, 1999, the committee will discuss and make recommendations on the classification of bone dowel devices of human origin.

Procedure: On July 27, 1999, from 7:30 a.m. to 2:30 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 16, 1999. Oral presentations from the public regarding the classification of bone dowel devices will be scheduled between approximately 8:45 a.m. and 9:45 a.m. on July 27, 1999. Near the end of committee deliberations, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person by July 16, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On July 26, 1999, from 10:30 a.m. to 5 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information on a product development protocol. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 22, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–16315 Filed 6–25–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0529]

Draft Guidance for Industry on Changes to an Approved NDA or ANDA; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Changes to an Approved NDA or ANDA.'' This draft guidance is intended to assist applicants in determining how they should report changes to an approved NDA or ANDA under the proposed revision to the drug regulations pertaining to supplements and other changes to an approved application published elsewhere in this issue of the **Federal Register**.

DATES: Written comments may be submitted on the draft guidance document by August 27, 1999. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Copies of this draft guidance are available on the Internet at ''http://www.fda.gov/cder/guidance/index.htm''. Submit written requests for single copies of the draft guidance for industry to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist the office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Nancy B. Sager, Center for Drug Evaluation and Research (HFD–357), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5633.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guidance for industry entitled ''Changes to an Approved New Drug (NDA) or Abbreviated New Drug (ANDA) Application.''

On November 21, 1997, the President signed the Food and Drug Administration Modernization Act (the Modernization Act) (Pub. L. 105–115). Section 116 of the Modernization Act amended the Federal Food, Drug, and Cosmetic Act (the act) by adding section 506A (21 U.S.C. 356a), which provides requirements for making and reporting manufacturing changes to an approved application and for distributing a drug product made with such changes. FDA is proposing to amend its regulations entitled *Supplements and other changes to an approved application* at § 314.70 (21 CFR 314.70) to conform to section 506A of the act. This proposed rule is published elsewhere in this issue of the **Federal Register**.

The purpose of this draft guidance is to provide recommendations to holders of NDA's and ANDA's who intend to make postapproval changes in accordance with section 506A of the act and the proposed amended regulations at § 314.70. This draft guidance covers recommended reporting categories for postapproval changes for drugs, other than specified biotechnology and specified synthetic biological products. Recommendations are provided for postapproval changes in: (1) Components and composition, (2) sites, (3) manufacturing process, (4) specification(s), (5) package, (6) labeling, and (7) miscellaneous changes. This guidance does not provide recommendations on the specific information that should be developed by the applicant to validate the effect of the change on the identity, strength (e.g., assay, content uniformity), quality (e.g., physical, chemical, and biological properties), purity (e.g., impurities and degradation products), or potency (e.g., biological activity, bioavailability, bioequivalence) of a product as they may relate to the safety or effectiveness of the product.

The guidance document, which cites the proposed rule for amending § 314.70, will be revised based on public comments and implemented for use as a companion document to § 314.70 when the rule is finalized. FDA welcomes comments that provide additional examples of major, moderate, and minor changes.

This draft level 1 guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). This guidance document represents the agency's current thinking on reporting categories for postapproval changes of drugs, other than specified biotechnology and specified synthetic biological products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both.

Interested persons may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 25, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–16190 Filed 6–25–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–222]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

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 of a currently approved collection;

Title of Information Collection: Independent Rural Health Center/ Freestanding Federally Qualified Health Center Cost Report and Supporting Regulations in 42 CFR, Section 413.20 and 413.24;

Form No.: HCFA–222;

Use: The independent rural health clinic/freestanding federally qualified health center (RHC/FQHC) cost report is the cost report to be used by the mentioned clinics/centers to submit annual information to achieve a settlement of costs for health care services rendered to Medicare beneficiaries. This form is used to collect the pertinent information from the RHC's and FQHC's in order to determine their Medicare cost reimbursement;

Frequency: Annually;

Affected Public: Not-for-profit institutions, State, local or tribal government, and business or other for-profit;

Number of Respondents: 3,000;

Total Annual Responses: 3,000;

Total Annual Hours Requested: 150,000.

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 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 21, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–16395 Filed 6–25–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier HCFA–R–286]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

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 (DHHS), 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 of the 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.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. The fact that this collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320, will cause public harm. We are requesting an emergency review.

If HCFA cannot disseminate information in a timely manner to partners who work with Medicare beneficiaries, as benefits counselors, the beneficiaries will not be able to make informed choices. The present request is for OMB authorization to collect data on the reactions of users of the web site, www.medicare.gov/nmep. We will use the data to improve the web site so that it can best serve the needs of the users. The designers of the web site are preparing new sections, functionality, and updates and will introduce changes to the site by the end of July 1999. Expedited review of this submission is requested so that pending enhancements and updates incorporate information collected from users. With an expedited review, the staff of the web site will have evaluation findings in sufficient time to guide the revisions planned for the site. In addition to the need for having feedback to implement anticipated changes in the web site, the World Wide Web site was created through Federal law and requires a systematic assessment. Under the 1997 Balanced Budget Act, a provision was established to provide information to beneficiaries in order to promote informed choice. One activity for widely disseminating information on coverage options, that was required, was the creation of ''an Internet site through which individuals may electronically obtain information on such options and Medicare+ Choice (MEDICARE+CHOICE) plans in states which MEDICARE+CHOICE plans are offered.'' As a result, the medicare.gov/nmep site was created to provide Medicare beneficiaries, their caregivers, and partners with an official source for Medicare information on the Internet. This site, medicare.gov, was designed for partners in the national Alliance network and for others interested in providing and disseminating up-to-date

and timely information on the National Medicare Education Program to Medicare beneficiaries. The Alliance Network was ''designed as a proactive alliance that helps each member organization improve program outcomes.'' Comprehensive information for partners involved in helping Medicare beneficiaries with their health care decisions is available on the medicare.gov/nmep web site. We need to receive quick feedback from our partners about the usefulness of the site to ensure that we are meeting their needs. Given that we are in the middle of the National Medicare Education campaign, without an expedited clearance, we would be unable to make changes to the medicare.gov/nmep web site based on feedback from Alliance members and other consumers and to conduct an ongoing review.

The purpose of this submission is to request approval to collect information from Internet users as they exit from the web site medicare.gov/nmep which is provided by the Health Care Financing Administration. It is critical to obtain feedback from users of this web site so that the agency can continually revise the site to respond to the needs of the partners and Medicare beneficiaries. As part of the effort to determine how the web site can serve the partners best, we request approval from OMB of ''bounceback'' form. Internet users will fill out a bounceback form after visiting the web site. The results of the form will be compiled and studied so that future revisions to the web site are guided by the needs and preferences of the people who use the web sites.

HCFA is requesting OMB review and approval of this collection by July 7, 1999, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individual designated below, by July 6, 1999.

During this 180-period, HCFA will pursue OMB clearance of this collection as stipulated by 5 CFR 1320.

Type of Information Collection Request: New Collection;

Title of Information Collection: Collection of Assessment Information on the HCFA website: www.medicare.gov/nmep;

Form Nos.: HCFA–R–0286;

Use: The purpose of the bounceback forms is to provide feedback to HCFA. The information collected through the bounceback form will be used in conjunction with other information collected about the web sites through focus groups and interviews with members of the Alliance Network. The combined information will guide future improvements to the web sites. There is no plan to disseminate the information, other than through public health, medical, or other professional journals, in which we may report the results.

Frequency: Users will have the opportunity to complete the bounceback form whenever they exit the web site.

Affected Public: Individuals or households, business or other for profit, and not for profit institutions;

Number of Respondents: 49,300;

Total Annual Responses: 49,300;

Total Annual Hours: 5,752;

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.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and record keeping requirements must be mailed and/or faxed to the designee referenced below by July 6, 1999:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262 Attn: Louis Blank HCFA–R–0286

and,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167 Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: June 17, 1999.

John Parmigiani,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–16268 Filed 6–25–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

Administration for Children and Families (ACF)

Program Announcement CFDA #93.576: Refugee Resettlement Program; Community and Family Strengthening

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS

ACTION: Notice of Availability of FY 1999 discretionary social service funds for refugee [1] community and family strengthening and integration.

SUMMARY: The Office of Refugee Resettlement invites eligible entities to submit competitive grant applications for community and family strengthening and integration services. Applications will be screened and evaluated based on criteria as indicated in this program announcement and the availability of funds.

CLOSING DATE: For submission of applications is July 27, 1999. For more application information, see Part IV of this announcement.

ANNOUNCEMENT AVAILABILITY: This announcement is published on the ORR website at: http://www.acf.dhhs.gov/programs/orr/.

FOR FURTHER INFORMATION CONTACT: Anna Mary Portz, Program Manager, ACF/ORR Division of Community Resettlement, 370 L'Enfant Promenade, SW, 6th Floor, Washington, DC 20447 telephone (202) 401–1196, or e-mail: aportz@acf.dhhs.gov.

SUPPLEMENTARY INFORMATION: This announcement consists of four parts: Part I. Background—Legislative Authority, Funding Availability, Purpose and Objectives; Part II. Project and Applicant Eligibility—Eligible Applicants, Project Period; Part III. The Review Process—Intergovernmental Review, Initial ACF Screening, Competitive Review, Review Criteria;

[1] In addition to persons who meet all requirements of 45 CFR 400.43, eligibility for refugee social services also includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100–202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Pub. L. No. 100–461), 1990 (Pub. L. No. 101–167) and 1991 (Pub. L. No. 101–513). For convenience, the term ''refugee'' is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

and, Part IV. The Application—Application Development, Guidelines for Preparing a Project Description, Application Submission, Regulations and Reporting.

Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. The following information collections are included in the program announcement: OMB Approval No. 0970–0139, ACF UNIFORM PROJECT DESCRIPTION (UPD), which expires 10/31/2000, and OMB Approval No. 0970–0036, ORR Quarterly Performance Report (QPR). 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.

Part I. Background

Legislative Authority:

Section 412(c)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1522, authorizes the Director of ORR ''to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—* * *(iii) to provide where specific needs have been shown and recognized by the Director,* * * social services, educational and other services.'' Projects funded through ORR discretionary programs are not restricted to serving refugees who have arrived within the last five years.

Funding Availability

ORR expects to award $3 million in FY 1999 discretionary social service funds through approximately 15 grants ranging in amounts from $150,000 to $350,000.

The Director may award more or less than the funds described in the announcement. Applicants may be required to reduce the scope of selected projects based on the amount of the approved grant award.

Purpose and Objectives

This program announcement governs the availability of and award procedures for the FY 1999 Community and Family Strengthening and Integration (CFSI) Program and provides an opportunity for States and nonprofit organizations to request funding for activities which supplement and complement employment-related services by strengthening refugee families and communities and by enhancing their integration into mainstream society.

Cultural and Linguistic Compatibility

In all cases, regardless of the nature of the organization proposed to provide services or conduct activities funded under this announcement, the services/activities should be conducted by staff linguistically and culturally compatible with the refugee families or communities to be served. In addition, the applicant must describe how proposed providers will have access to the families and to the community to be served.

Project planners must consult with representatives of the target population. For example, a project designed to assist refugee single mothers needs to be designed in consultation with them.

Furthermore, if interpreters are proposed in the first budget period, applicants must demonstrate how these staff will be used in subsequent years of the project, and whether they will be trained to assume an integral role in the project, such as to become service providers.

Applicants and all private partners should provide evidence that their governing bodies, boards of directors, or advisory bodies are representative of the refugee communities being served, and have both male and female representation.

Cost-sharing

This announcement is intended to encourage service planners and providers to address the various unmet needs of refugee families and communities relative to existing services, the capacity of the service-providing network, and ultimately the community's capacity to continue the activity without additional ORR resources beyond the three-year project period of this announcement. Long-range viability may depend on: Linkages to activities funded by other sources, the availability of expertise in the community, the likelihood of tangible results, the relatedness of proposed activities to existing activities, and the willingness of the community to participate actively in assuring the success of the project including volunteer commitment.

Because funding under this program announcement is limited, applicants are urged to plan for the use of these funds together with other Federal, State, and private funds available to assist the target populations and to carry out similar programs and activities. To this end, successful applicants will propose and commit to a minimum cost-sharing (cash or in-kind) of ten percent of the initial budget period (first year) costs. In subsequent continuation applications, the grantee will be asked to document receipt of non-ORR funds from other sources. The requirement will be not less than 25 percent of the full budget for the second year award and not less than 40 percent for the third year. For example, if the original budget is $150,000, the federal share for that year may be $135,000 (90%). In the second year, the federal award might be $112,500, and the grantee would be required to provide, at a minimum, cost-sharing of $37,500, or 25 percent of the full budget, in cash or in-kind support. Only in unusual circumstances will the Director of ORR entertain a request from the grantee to reduce or waive the cost-sharing requirement.

Allowable Activities

ORR will consider applications for services which an applicant justifies, based on an analysis of service needs and available resources to address the social and economic problems and integration needs of refugee families and of the refugee community. It should be clear what is the goal or expected outcome of the activity, how it responds to the particular needs of families in that community or to a broader need of the community of families, who is committed to do what in order to accomplish this goal, and how the proposed activity fits into the existing network of services.

The specific services proposed may be as diverse as the refugee populations and the resettlement communities themselves. Proposed activities and services should be planned in conjunction with existing service providers and should supplement and complement their services. Special attention should be placed on enhancing refugee access to services available to all citizens, such as those for the elderly, youth or special needs populations.

Some examples of allowable activities:

Integration Into U.S. Communities

Activities designed to inform the refugee community about issues essential to effective participation in the new society.

Assistance to parents in connecting with the school system and other local community organizations.

Continuing education programs for U.S.-recognized recertification or skill-building.

Classes in parenting skills, including information about U.S. cultural and legal issues, e.g., corporal punishment, generational conflict, and child abuse.

Providing immigration-related services, e.g., adjustment of status,

family reunification, and naturalization, through Board of Immigration Appeals (BIA) accredited agencies.

Facilitating assimilation of refugee groups through skill-building workshops or technical assistance services.

Information and community involvement that will ensure that refugees are accurately counted in the Year 2000 Census.

Mentoring Programs and Peer Support

Pairing participant individuals or families with community volunteers. Programs should target refugees who are past the initial resettlement phase, and mentoring should target needs they identify.

Assisting subgroups to form a common bond for resolution of peer-specific problems. The purposes are to solve individual, family, and community problems with the support of peers and to solve common problems through group action.

Promoting pride and self-confidence in personal identity.

Specialized English Language Training

Specialized classes for groups outside the regular classes, e.g., homebound women, or elderly. Use of volunteers is encouraged. Accessibility of site and time is important.

Combating Violence in Families

Information and training against domestic violence, child abuse, sexual harassment and coercion, roles of men and women in U.S. culture, and techniques for protection.

Linkages to mainstream service providers to ensure access to culturally appropriate services.

Training and/or bilingual staff for women's shelters.

Crime Prevention/Victimization

Activities designed to improve relations between refugees and the law enforcement communities: (a) Public service officers or community liaisons; (b) neighborhood storefronts and/or watch programs; (c) gang prevention programs; (d) cross cultural training for the law enforcement community (police departments, court system, mediation or dispute management centers).

Note: Law enforcement activities, such as hiring sworn police officers (except those who are public service officers or community liaison officers), fingerprinting, incarceration, etc., are outside the scope of allowable services under the Refugee Act and will not be considered for funding. Other unallowable activities are those limited to, or principally focused on, parole counseling, court advocacy, and child protection services.

Refugee Community Centers and Organizing

Operating community centers for the delivery of services to refugee individuals and families. Centers may also be used for recreation, information and referral services, childcare, community gatherings, and documentation and analysis of refugee success stories and best practices in successful integration. (Costs related to construction or renovation will not be considered, and costs for food or beverages are not allowable).

Communities may be organized for housing or consumer cooperatives, for youth activities, for services to elderly refugees, for volunteer mentoring services, and for crime prevention.

The above are only examples of services. They are not intended to limit potential applicants in community planning. They are listed and generically described without regard to the population to be served. It will be necessary in the application to describe more specifically the target population. For example, one activity might appropriately be designed to serve only homebound women. Another might be designed for teenagers and their parents; another for elderly. Some might be targeted for all members of the family. Applications should correlate a planned activity with specific target audiences and discuss the relationship between the proposed activities and the target population.

Non-Allowable Activities

Funds will not be awarded to applicants who propose to engage in activities which are designed primarily to promote the preservation of cultural heritage or which have an international or political objective. ORR encourages refugee community efforts to preserve cultural heritage, but believes communities should support these activities with alternative funding.

Part II. Project and Applicant Eligibility

Eligible Applicants

Public and private nonprofit organizations, including current CFS grantees whose projects end on September 30, 1999, are eligible to apply for ORR grants.

Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Coalitions

Refugee programs and local organizations, which have not already done so, are encouraged to build coalitions for the purpose of providing services funded under this announcement. The activities funded by these grants are intended to serve as a catalyst to bring the community together to address the economic and social problems of refugee families and the refugee community. The goal in all cases should be to build and strengthen the community's capacity to serve its members in improving the quality of life and standard of living for refugee families.

ORR strongly encourages single applications from partnerships or consortia of three or more eligible organizations. Applicants must demonstrate that wherever potential partners for collaboration exist, the applicant, at a minimum, has planned the proposed activities in collaboration with these potential partners. Partners may be in the refugee services provider community of organizations and institutions, or in mainstream services organizations, e.g., adult basic education providers, child care coalitions, or women's shelters. Collaboration may also include the Mayor's office, school parent-teacher groups, local police departments, and other mainstream community service organizations. All applicants should demonstrate existing refugee community support for their agency and their proposed project. If the applicant is located in an area where no other organizations work with refugees, and a coalition with other organizations is not possible, the applicant should demonstrate how the proposed services will be effectively provided by a single agency.

The process of coalition-building is key to strengthening cooperation and coordination among the local service providers, community leaders, Mutual Assistance Associations, voluntary agencies, churches, and other public and private organizations involved in refugee resettlement or community service. ORR intends that this process will be part of local efforts to build strategic partnerships among these groups to expand their capacity to serve the social and economic needs of refugees and to give support and direction to ethnic communities facing problems in economic independence

and social adjustment. In this context, ORR is defining partnership as a formal negotiated arrangement among organizations that provides for a substantive collaborative role for each of the partners in the planning and conduct of the project. Applications which represent a coalition of providers should include a signed partnership agreement stating a commitment or an intent to commit or receive resources from the prospective partner(s) contingent upon receipt of ORR funds. The agreement should state how the partnership arrangement relates to the objectives of the project. The applicant should also include: Supporting documentation identifying the resources, experience, and expertise of the partner(s); evidence that the partner(s) has been involved in the planning of the project; and a discussion of the role of the partner(s) in the implementation and conduct of the project.

Project Period

This announcement invites applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Applications for subsequent year continuation grants funded under these awards will be entertained on a noncompetitive basis, subject to: availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the Government.

Part III: The Review Process

Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

Note: State/territory participation in the intergovernmental review process does not signify applicant eligibility for financial assistance under A program. A potential applicant must meet the eligibility requirements of the program for which it is applying prior to submitting an application to its single point of contact (SPOC), if applicable, or to ACF.

As of November 20, 1998, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372: Alabama, Alaska, American Samoa, Colorado, Connecticut, Kansas, Hawaii, Idaho, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington.

Although the jurisdictions listed above no longer participate in the process, entities which have met the eligibility criteria of the program may still apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Further, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, ORR Grants Officer, 370 L'Enfant Promenade, SW, Sixth Floor East, Washington, DC 20447. A list of the Single Points of Contact for each State and Territory is included with this program announcement.

Initial ACF Screening

Each application submitted under this program announcement will undergo a pre-review to determine that (1) the application was received by the closing date and submitted in accordance with the instructions in this announcement and (2) the applicant is eligible for funding.

Competitive Review and Review Criteria

Applications which pass the initial ACF screening will be evaluated and rated by an independent review panel.

The review criteria are closely related and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications which are responsive to the criteria within the context of this program announcement. Applicants are encouraged to organize their narrative accordingly. Proposed projects will be reviewed based on the following criteria.

1. Objectives and Need for Assistance (25 points)

Profile of refugee community and target population by geographic area or ethnic group of the refugee community to be served, including numbers, ethnicity, welfare utilization pattern, number of refugee families in the community, family characteristics, and an assessment of attitudes of the refugees and the general community toward each other. Clarity of description and soundness of rationale for selection of targeted community or population.

Adequacy and quality of data provided and quality of the analysis of data provided in the application with special regard to ethnic group, refugee families, women, or youth. Clarity and comprehensiveness of needs identification and problem statement and of the description of the local context in which grant activities are proposed. Comprehensiveness of description of existing services and community network and explanation of how the proposed services complement what is already in place. Evidence of consultation with target population.

2. Approach and Results Expected (30 points)

Soundness of strategy and program design for meeting identified needs. Identification of projected performance outcomes and proposed milestones measuring progress, as appropriate to the services proposed by the end of the first budget period and over the entire requested project period. (ORR encourages applicants, to the extent possible, to develop innovative quantifiable measures related to the desired service impact for purposes of monitoring and project assessment.)

The tangibility of the outcomes proposed and the potential for achieving the outcomes within the grant's project period. The potential of the project to have a positive impact on the quality of the lives of refugee families and communities (1) by improving refugees'

abilities: To access services, to provide mutual assistance, and to demand or create services where they are not already available; and (2) by instituting changes among service providers to make them more accessible to refugees.

Adequate detail in the description of linkages with other providers and roles of collaborating agencies in project implementation.

Extent to which the need described is expected to be met and to which the services will be augmented, supplemented, or integrated with existing services.

3. Applicant/Coalition Capability (25 points)

Validity and reasonableness of the proposed coalition arrangement to perform the proposed activities. Commitment of coalition partners in implementing the activities as demonstrated by letters or the terms of the signed agreement among participants. (Where potential coalition partners are documented to be unavailable, the applicant will not be penalized under this criteria. However, the applicant should describe any consultation efforts undertaken and consultation with the refugee community.)

Experience of the applicant coalition in performing the proposed services. Adequacy of gender balance and constituent representatives of board members of participant organizations or of the proposed project's advisory board. Adequacy of assurance that proposed services will be delivered by staff linguistically and culturally appropriate to the target population.

Qualifications of the individual organization staff and any volunteers. Detailed description of the administrative and management features of the project including a plan for fiscal and programmatic management of each activity, proposed start-up times, ongoing timelines, major milestones or benchmarks, a component/project organization chart, and a staffing chart. A description of information collection (participant and outcome data) and monitoring proposed.

4. Budget And Financial Management (20 points)

Reasonableness of budget and narrative justification in relation to the proposed activities and anticipated results.

Adequacy of proposed monitoring and information collection. Realistic plan for the continuation of services with a phase-out of ORR grant funding over the multi-year project period. Extent to which the application makes provision for cost-sharing (i.e. leveraging ORR funds with non-Federal funds or in-kind support) to maintain the full budget during the overall project. If available, the value of such leveraged funds or in-kind support and any preliminary commitments.

The extent to which the award is projected to be augmented or supplemented by other funding during and beyond (i.e. in the second and any subsequent year of) the grant period, or can be integrated into other existing service systems.

Part IV. The Application

Application Development

In order to be considered for a grant under this program announcement, an original application and two copies must be submitted on the Standard Form 424 and in the manner prescribed by ACF. Applicants are encouraged to limit project descriptions to 15 *pages* (typewritten, double-spaced on standard, letter-size paper) *plus no more than 20 pages of appended material.* These limitations should be considered as a *maximum*, and not necessarily a goal to be achieved. Applicants are advised to use standard (12 point) font size for the application narrative. Standard Federal application forms and instructions are available from the contact named in the preamble of this announcement.

Guidelines for Preparing a Project Description

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly.

Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered to be relevant. Awarding offices use this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must distinguish between resources directly related to the proposed project from those that will not be used in support of the specific project for which funds are requested.

General Instructions

Cross-referencing should be used rather than repetition. ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant-funded activity should be placed in an appendix.) Pages should be numbered and a table of contents should be included for easy reference.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs. Program income from activities funded under this program may be added to the funds committed to the project (if any income is expected to be generated from this project).

Non-competing Continuations

For subsequent budget periods within the three-year project period, a full project description will not be required unless requested in writing by the Director of ORR, an ACF Program Official.

Supplemental Applications

For a supplemental assistance request, explain the reason for the request and justify the need for additional funding. Provide a budget and budget justification *only* for those costs for which additional funds are requested.

Application Submission

1. Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: DHHS, ACF, Office of Refugee Resettlement, Attention: Shirley B. Parker, ORR Grants Officer, 370 L'Enfant Promenade, SW, Sixth Floor, Washington, DC 20447.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine-produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always reflect the date of mailing on the package or deliver as agreed.)

Applications hand-carried by applicants, couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., EST, at the Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, ACF Mailroom, 2nd Floor (near loading dock), Aerospace Center, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note ''Attention: Shirley B. Parker, ORR Grants Officer.''

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

2. Late applications. Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

3. Extension of deadlines. ACF may extend an application deadline when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there is widespread disruption of the mail service, or in other rare cases. Determinations to extend or waive deadline requirements rest with ACF's Chief Grants Management Officer.

Regulations and Reporting

Applicable HHS regulations can be found in 45 CFR Parts 74 and 92.

Grantees under this program announcement will be required to provide semi-annual program performance reports on the ORR Quarterly Performance Report (QPR—OMB Approval No. 0970–0036) including appropriate reports on Schedule C. Grantees will submit semi-annual financial reports using the Financial Status Report form (SF–269). A Final Financial and Program Report shall be due 90 days after the end of the Grant Project Period (i.e. only after the final budget period).

Dated: June 22, 1999.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 99–16281 Filed 6–25–99; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Settlement

Administration for Children and Families (ACF); Community Service Employment Opportunities

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: Notice of Availability of FY 1999 discretionary funds to provide Community Service Employment opportunities for refugees [1] who have experienced long-term difficulties with assimilation.

SUMMARY: This program announcement governs the availability of social services funds and award procedures for $3 million in FY 1999 discretionary grants to provide community service employment opportunities for refugees who have experienced long-term difficulties with assimilation. These grants, which will be awarded on a competitive basis, are for localities with large concentrations of refugees who have experienced difficulty integrating socially and economically into local communities. Eligible grantees are private, non-profit organizations and agencies of State government that are responsible for the refugee program under 45 CFR 400.5. Applications may include project periods of up to three years, with an initial budget period of one year. Where awards are made for a multiple year project period, continuation grant applications will be entertained in subsequent years on a noncompetitive basis, subject to the availability of funds, successful progress of the project, and ACF/ORR's determination that this would be in the best interest of the government.

DATES: The closing date for applications is July 30, 1999.

ADDRESSES: Address applications to: Shirley Parker, Grants Officer, Office of Refugee Resettlement, 6th Floor East, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Carolyn Plummer, Program Analyst, Division of Community Resettlement (DCR), ORR, Administration for Children and Families (ACF), Telephone: (202) 401–5449; Fax: (202) 401–5487; E-mail: CPlummer@acf.dhhs.gov).

SUPPLEMENTARY INFORMATION: This program announcement consists of four parts:

Part I: Background—program purpose, program objectives, legislative authority, funding availability, CFDA number, definition of terms

Part II: Project and Applicant Eligibility—funding priorities, preferences, eligible applicants, project and budget periods, multiple applications, treatment of program income

Part III: The Review Process—intergovernmental review, initial ACF screening, evaluation criteria and competitive review

Part IV: The Application—application materials application development, application submission

Paperwork Reduction Act of 1995 (Pub. L. 104–13): Public reporting burden for this collection of information is estimated to average fourteen hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The following information collection is included in the program announcement: OMB Approval No. 0970–0139, ACF UNIFORM PROJECT DESCRIPTION (UPD), which expires 10/31/2000. 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.

Part I. Background

Program Purpose and Objectives: There are communities across this

[1] In addition to persons who meet all requirements of 45 CFR 400.43, ''Requirements for documentation of refugee status,'' eligibility for targeted assistance includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100–202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. 100–461), 1990 (Pub. L. 101–167), and 1991 (Pub. L. 101–513). For convenience, the term ''refugee'' is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

country with large concentrations of refugees, many of whom entered the United States over a decade ago. For some refugees, language skills, cultural barriers, the lack of financial resources, and years of relying on public assistance, have isolated them from the mainstream, limited their employment opportunities and hindered integration into American communities. Their rate of assimilation has been documented in many localities on such key indicators as poverty levels, welfare utilization, car and home ownership, high school completion, college attendance or graduation, language fluency, employment rates, household income, per capita income, and naturalization rates.

In some of these communities, refugees represent a significant percentage of the population and, relative to non-refugee groups, have a sizeable impact on local services, medical clinics, and school systems.

The purpose of this announcement is to improve refugee rates of assimilation in heavily impacted communities by providing funding for workforce experience, earned income for refugees and their families, and increased access to needed services for refugees.

Legislative Authority: This program is authorized by Section 412(c)(1)of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1), as amended. Section 412(c)(1)(A) of the INA authorizes the Director of ORR ''to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—(i) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services.''

Grant awards are also subject to the following federal regulations: 45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with States, local governments and Indian tribal governments and 45 CFR part 92, Uniform administrative requirements for grants and cooperative agreements to State and local governments.

Funding Availability: Approximately $3 million will be available for awards. It is expected that most grant awards will be between $300,000 and $500,000. ORR anticipates making 6 to 10 awards with these funds for projects that will secure employment for approximately 100 eligible participants during the approved project period.

The Director of ORR will make final award decisions based on such factors as: the geographic distribution of the competitive applications; the extent to which the grants reflect a reasonable distribution of funds across the areas impacted by refugees, and the availability of funds. Successful applicants will receive grants to identify and develop subsidized employment opportunities for unemployed refugees at local organizations. Applicants must demonstrate a specific need for supplementation of available resources to provide these services for refugees.

Projects funded under this announcement will be designed to (a) Connect refugees to the labor force, (b) provide earned income to refugees and their households, and eventual transition to unsubsidized employment; and (c) through the presence and assistance of a refugee employee in these agencies, give refugee communities greater access to local community services. Grantees must establish a network of relationships with appropriate public or private employers to identify and develop suitable subsidized community service employment positions. Grant funds may be used to reimburse employers for up to 100% of the employment wage (including fringe benefits), for a maximum of 12 months, under the terms of a contract. In exchange for the salary subsidy, the employer agrees to provide the refugee employee additional supervisory assistance in learning the job and to retain the refugee employee in this position after the wage subsidy has ended. If insufficient funds are available to continue the position, it is expected that the employer will assist the refugee employee in securing other employment. Refugee employees should be eligible for all benefits available to all other employees at the work site. Applicants should identify the types and number of employment positions targeted in their project, including job descriptions, qualifications, and salary levels. Project participants must be paid an hourly wage equivalent to the prevailing rates of pay for persons employed in similar occupations by the same employer. No wage should be lower than the federal minimum wage.

Approximately 75–80% of grant funds should be designated for salary subsidies. Applicants may include 5% for employer incentives.

Within the remaining 15–20% of available funds, grantees may provide supportive services to assist project participants in retaining successful community service employment. Such supportive services may include: on-site technical assistance; employment counseling; work-related incidental expenses for such items as work shoes, uniforms, glasses, public transportation passes, etc. if these are not available from other sources.

If projects are designed and implemented by coalitions of local community agencies and refugee organizations, clear respective roles and responsibilities for each participating agency within the coalition must be identified and stipulated in a signed written agreement. Applicants must also provide for the creation of an advisory board, delineating the roles and responsibilities of each member, compensation, if any, to members, a definitive and measurable work plan, and a schedule of meetings. The advisory board must include members of the refugee community.

Funds may not be used for union-related activities, with the exception of union dues required in order for refugees to become employed; nor may funds be used for politically related employment as a form of political patronage. Wage subsidies must be used for a net increase in the number of positions within a given agency, not to replace currently funded positions. Refugees employed as a result of this project may not displace employed workers or workers on layoff. CFDA: The Catalog of Federal Domestic Assistance (CFDA) number assigned to this announcement is 93.576.

Part II. Project and Applicant Eligibility

Under this announcement, the Office of Refugee Resettlement solicits applications from eligible applicants who wish to compete for funds to provide community service employment for refugees who have experienced long-term difficulties with assimilation into American communities.

Community service employment offers a job for the individual, household income for refugee families, community participation, cross-cultural exposure for public and private agencies, and access to community services for refugee communities. For these reasons, ORR is providing funding under this announcement to be used primarily for employer subsidies to create or increase the number of community work experience jobs for refugees.

Community service employment may be in the public or private sector; however, given the emphasis of this announcement on gaining refugee access to community services, ORR anticipates that most successful applicants will target these subsidies to public and private nonprofit organizations that may not otherwise

have the resources to provide this type of employment. Eligible grantees are private, nonprofit organizations and agencies of State and local governments that are responsible for the refugee program under 45 CFR 400.5.

Refugees eligible to participate in projects funded under this announcement must be at least 21 years of age. Eligible participants must also either be unemployed, without earned income, or members of families receiving public assistance.

Refugees are eligible to participate in these projects if they have resided in the U.S. for a minimum of three years and residents of their communities for a minimum of six months. Refugees who have become U.S. citizens are ineligible to participate in this program. ORR anticipates that refugees targeted for these positions would be long-term welfare recipients (12 months or more) or those who face termination from Temporary Assistance for Needy Families (TANF) within the 12 month period following enrollment in this project.

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. Applicants are encouraged to provide information on their organizational structure, staff, related experience, and other information considered being relevant. The Office of Refugee Resettlement uses this and other information to determine whether the applicant has the capability and resources necessary to carry out the proposed project. It is important, therefore, that this information be included in the application. However, in the narrative the applicant must dintinguish between resources directly related to the proposed project from those that will not be used in support of the specified project for which funds are requested.

A. Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

The Office of Refugee Resettlement is particularly interested in the following:

A description, with documentation, of the need for services within the proposed target area, including documentation of the number of refugees in the target area and the ratio between refugees and the non-refugee population in the community. Data and analyses of family and community needs, including the implications of welfare reform and employment patterns on family needs for child care and other support services. A discussion of how the targeted refugees have the most need of the proposed services. Submit evidence of poor assimilation of refugees relative to the community at-large. Indicators may include: poverty levels, public assistance utilization, unemployment, low rates of high school completion, college attendance, car and homeownership, and attainment of citizenship.

B. Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement. Describe how community service employment positions will be developed with local employers; how these employers will be encouraged to customize the jobs and provide supervisory support to the employees under this project; identify any local employers who have made commitments to the project and describe them (e.g., number and types of jobs, supportive services and training, qualifications and salary levels, etc.).

Include a description of the proposed target area(s) for services, recruitment strategies, and priorities for selecting refugee clients for participation; and availability of other community services and resources for refugee employment.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target date. Identify the kinds of data to be collected, maintained and/or disseminated. Note that clearance from the U.S. Office of Management and Budget might be needed prior to a ''collection of information'' that is ''conducted or sponsored'' by ACF/ORR. List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Note: ORR expects that all applicants funded under this announcement will begin serving refugees and their families no later than March, 2000.

C. Results or Benefits Expected

Identify the results and benefits to be derived for refugees and their families as well as for the community. Based on the stated program objectives, a discussion of the specific results or benefits that could be expected for the refugees and families participating in the program. A discussion of the specific community-wide results or benefits including those resulting from collaborative partnership with other community agencies including the agencies which employ refugees. The qualitative and quantitative data the program will collect to measure progress toward the stated results or benefits. A discussion of how the program will determine the extent to which it has achieved its stated objectives.

Applicants are encouraged to use ORR standards under the Government Performance And Result Act (GPRA) to measure project results. These are:

- The number of refugees who entered employment.
- Cash assistance terminations due to earnings.
- Average hourly wage at placement.
- Employment retention.
- Employment with health benefits.

The Office of Refugee Resettlement is particularly interested in the following: Numbers, types and average salaries of refugees to be employed in community service employment positions; the degree to which employee benefits, including medical coverage, are available for these jobs; expectations for job or employment retention after one year; expected average earnings one year

after placement into subsidized employment; cost per placement into subsidized community service employment.

The application may include other performance outcomes, as appropriate.

D. Organization Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501© (3) of the IRS code, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Describe the staff and systems capacity for managing the project, to include: key staff resumes or position descriptions; a project organizational chart identifying all agencies involved in the project and their respective roles and responsibilities; Identify the critical activities, time frames, and responsibilities for implementing the project.

Local Collaboration and Sustainability

Identify a coalition of key agencies, respective roles and responsibilities, and agreements. Describe the local partnerships and each member's contribution to the project; the extent to which the project is coordinated with key community activities; the commitment and integration of other community resources; any involvement of, or participation by, local employers; and the extent to which the community and the coalition have developed plans to maintain and expand the capacity to serve the targeted refugee population.

Identify and Submit Position Descriptions or Resumes for Advisory Board Positions.

The Office of Refugee Resettlement is particularly interested in the following: Evidence of the applicant's ability and experience to administer an employment program and to manage a community service employment program. Include a discussion of any proposed changes and improvements in program management.

A description of the applicant's experience in management of employment services for refugees who have had a protracted history of unemployment. A description of the applicant's experience in management of community, State and Federal partnerships. A description of the applicant's history and relationship with the target community. Include a complete discussion of the program's financial status and program operations. Include an organizational chart of the program.

A Description of the Mechanisms for Recruiting and Hiring Well-Trained and Appropriately Credentialed staff Members

A discussion of all proposed key staff or managerial positions, their proposed salary rates, the length of time they would be employed each year and the applicant's plans for ongoing monitoring and supervision of other staff including refugees employed under the community employment service program if appropriate. Applicants who are electing to create partnerships with other agencies, providers, or funding sources should provide: letters of commitment from partner agencies and providers, including documentation of any additional resources such as child care, health care or transportation subsidies, etc. that will enhance the program. Explain and itemize these resources or services, and state whether or not these costs are included as part of the non-Federal share. Plans for managing, coordinating or monitoring, and assisting the efforts of partnering agencies and other forms of collaborative arrangements in meeting the goals of the project.

A description of the experience of the applicant and the proposed partnering agencies in collaborating to deliver effective employment services and in managing multiple sources of funding.

A description of how the applicant will track, manage and account for refugee employment costs and, if applicable, the availability of other funding sources.

E. Budget and Budget Justification

Provide line items and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424. Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

The Office of Refugee Resettlement is particularly interested in the following:

A description of how your proposed budget is reasonable, appropriate and cost effective in view of the proposed services, strategies and anticipated outcomes.

A description of the extent to which your proposal includes significant other resources to complement the ORR funds.

General Instructions

ORR is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. (Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant funded activity should be placed in an appendix.) Pages should be numbered and a Table of Contents should be included for easy reference.

The Office of Refugee Resettlement is also requesting that applicants provide a summary of the project description which includes:

The name and address of the applicant agency.

The total number of employment placements when the program is completed.

The total ORR funds requested for a 12 month period.

The amount and source of any additional funding that will help support the project (*i.e.,* funds that are in addition to Federal ORR funds.)

The community to be served (name of town(s), city(ies) and county(ies) and the targeted refugee groups.

The proposed type of jobs, hours per week and wages.

The target date for beginning full services to refugees.

Additional Information

Following is a description of additional information that should be placed in the appendix of the application.

1. *Staff and Position Data:* Provide a biographical sketch for each key person

appointed and a job description for each vacant position. A biographical sketch will also be required for new key staff as appointed.

2. *Organizational Profile:* Provide information on the applicant organization and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, contact persons and telephone numbers, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The nonprofit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Part III. The Review Process

A. Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-four jurisdictions need not take action regarding Executive Order 12372. Applicants should contact their SPOC as soon as possible to alert them to the prospective application and to receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule. When comments are submitted directly to the ORR, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, 6th Floor East, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20447.

B. Competitive Review and Evaluation Criteria

Information provided in response to this announcement will be used to review and evaluation applications using the following criteria:

a. Need for Assistance To Increase Assimilation (20 points)

Quality of description and documentation with regard to the target refugee groups and their needs.

Program Design and Approach (15 points)

Soundness of and innovation in program design and methodology for securing community service employment for refugees, including evidence of prospects for placement and permanent employment opportunities.

Results and Benefits (30 points)

Employment results which are timely, appropriate, and measurable using ORR standards for outcome performance under GPRA.

Project Management and Implementation (15 points)

The extent of demonstrated capacity of the applicant organization, key leaders and managers and, where appropriate, proposed partnering organizations in managing the proposed community employment services in a timely, cost effective manner. Evidence of successful partnership with the targeted refugee communities, families, and other community organizations, institutions and agencies.

Cost Effectiveness and Budget Appropriateness (20 points)

The extent to which the project's costs are reasonable and cost-effective in view of the activities to be carried out and the anticipated outcomes. The extent to which proposed salaries and fringe benefits reflect appropriate levels of compensation for the responsibilities of staff and the Advisory Board (if compensation is necessary). The extent to which costs for refugee wages in community service employment are reasonable and equitable.

Part IV: The Application

A. Required Forms

Applicants interested in applying for funds must submit a complete application including the required forms—Standard Form 424 and attachments. In order to be considered for a grant under this announcement, an application must be submitted on the Standard Form 424 (approved by the Office of Management and Budget (OMB) under Control Number 0348–0043), a copy of which is available through the Administration for Children and Families/ORR website at: *http://www.acf.dhhs.gov/programs/orr* (at ''Informational Materials'' choose HHS application forms). Each application must be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applicants requesting financial assistance for non-construction projects must file the Standard Form 424B, Assurances: Non-Construction Programs (approved by the Office of Management and Budget under Control Number 0348–0040). Applicants must sign and return the Standard Form 424B with their application. Applicants must provide a certification concerning lobbying. Applicants must provide information consistent with ACF's approved Uniform Project Description (OMB # 0970–0139), as found in Part II of this Program Announcement. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification (approved by the Office of Management and Budget under Control Number 0348–0046). Applicants must sign and return the certification with their application. Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application. Applicants must make the

appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application. Applicants must also understand that they will be held accountable for the smoking prohibition included within Public Law 103–227, Part C Environmental Tobacco Smoke (also known as Pro-Children's Act of 1994). A copy of the **Federal Register** notice which implements the smoking prohibition is included with the forms. By signing and submitting the application, applicants are providing the certification and need not mail back the certification with the application.

B. Application Submission

One signed original and two complete copies of the grant application, including all attachments, are required. Each application must be limited to no more than 20 double-spaced pages of program narrative (not including the Project Summary and the forms which make up the SF–424A and Budget Justification).

If the narrative portion of the application is more than 20 double-spaced pages, the other pages will be removed from the application and not considered by the reviewers. The attachments/appendices to each application must be limited to no more than 15 pages, (in addition to the 20 pages permitted for the narrative portion of the application). If the attachments/appendices to each application are more than 15 pages, the other pages will be removed from the application and not considered by the reviewers.

C. Application Considerations

Applicants will be scored against the evaluation criteria described above. The review will be conducted by a panel consisting of experts in the areas of refugee and employment services. The results of the competitive review will be taken into consideration by the Director, Office of Refugee Resettlement, in determining the projects to be funded. The Director of ORR will make the final selection of the applicants to be funded. An application may be funded in whole or in part, depending on the relative need for services, applicant ranking, geographic location, proposed costs, and funds available.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total project period for which support is provided.

D. Checklist for a Complete Application

A complete application consists of the following items in this order:

Introductory Material:

- Cover letter.
- Table of Contents.
- Project Description Summary.

(1) Application for Federal Assistance (SF424).

(2) Budget Information—Non-Construction Programs (SF 424 A and B).

(3) Budget Justification.

(4) Project Description and Appendices.

(5) Proof of non-profit status as appropriate.

(6) Assurances Non-Construction Programs.

(7) Certification Regarding Lobbying.

(8) Where appropriate, a completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424.

Applicants are reminded that the narrative portion of the application cannot exceed 20 double-spaced pages in a 12-pitch font with 1½ inch margins at the top and 1 inch at the bottom and both sides and that attachments/Appendices to the application can not exceed 15 pages. Attachments and appendices should be used only to provide supporting documentation such as maps, administration charts, position descriptions, resumes, and letters of intent/agreement. Please do not include books or videotapes as they are not easily reproduced and are, therefore, not accessible to the reviewers. Each page should be numbered sequentially.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. According to the instructions for completing the SF–424A and the preparation of the budget and budget justification, ''Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel: Costs of employee salaries and wages. Justification—Identify the project director and for each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies.

Fringe Benefits: Costs of employee fringe benefits unless treated as part of approved indirect cost rate. Justification—Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel). Justification—For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF/ORR-sponsored meetings should be detailed in the budget.

Equipment: Costs of tangible, non-expendable, personal property, having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Justification—For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends.

Supplies: Costs of all tangible personal property other than that included under the Equipment category. Justification—Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, etc. Contracts with secondary recipient organizations, including delegate agencies (if applicable), should be included under this category. Justification—All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. If procurement competitions were held or if procurement without competition is being proposed, attach a list of proposed contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and the award selection process. Justify

any anticipated procurement action that is expected to be awarded without competition and to exceed the simplified acquisition threshold fixed at 41 USC 403(11). Recipients might be required to make available to ACF pre-award review and procurement documents, such as requests for proposal or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other: Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development, and administrative costs. Justification—Provide computations, a narrative description and a justification for each cost under this category.

Indirect Costs: This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or another cognizant Federal agency. Justification—An applicant proposing to charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the agreement, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Program Income: The estimated amount of income, if any, expected to be generated from this project. Justification—Describe the nature, source and anticipated use of program income in the budget or refer to the pages in the application which contain this information.

Non-Federal Resources: Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424. Justification—The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process.

E. Due Date for the Receipt of Applications

Deadlines: The closing date for submission of applications is 4:30 p.m. (EDT) on July 30, 1999. Mailed applications shall be considered as meeting the deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ORR in time for the independent review. Applications should be mailed to: Ms. Shirley B. Parker, Grant Officer, Office of Refugee Resettlement, 6th Floor East, Aerospace Building 370 L'Enfant Promenade, SW., Washington, DC 20447.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications hand carried by applicants, courier services, or by overnight/express mail couriers shall be considered as meeting the announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., at the above stated address, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services may not always deliver as agreed. In addition, some non-postal service carriers will only deliver to ORR's street address which is 901 D Street SW. instead of 370 L'Enfant Promenade, SW.) ORR cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ORR electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. ORR shall notify each late applicant that its application will not be considered.

Extension of deadlines: ORR may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if ORR does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

Reporting Requirements—Grantees are required to file the Financial Status Report (SF–269) semi-annually and Program Progress Reports on a quarterly basis. Although ORR does not expect the proposed components/projects to include evaluation activities, it does expect grantees to maintain adequate records to track and report on expenditures by budget line item, project outcomes and participant demographics information which may include but is not limited to: date of birth, sex, country of birth, date of entry, education, employment history, marital status and number of children.

The official receipt point for all reports and correspondence is the Grant Officer, Office of the Director. An original and one copy of each report shall be submitted within 30 days of the end of each reporting period. The mailing address is: Office of Refugee Resettlement, Sixth Floor East, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20447. A final Financial and Program Report shall be due 90 days after the budget expiration date or termination of grant support.

Dated: June 15, 1999.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 99–16337 Filed 6–25–99; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4366–FA–02]

Fiscal Year 1998 Public and Indian Housing Service Coordinator Funding Awards

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

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the FY 1998 Notice of Funding Availability (NOFA) for the Service Coordinator Program. This announcement contains the consolidated names and addresses of those award recipients under the

Service Coordinator Program and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Office of Public and Indian Housing's Grant Management Center Director Michael E. Diggs, Department of Housing and Urban Development, Washington, DC, telephone (202) 358–0221.

SUPPLEMENTARY INFORMATION: The Service Coordinator program is authorized by section 808 of the Cranston-Gonzalaz National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 676, and 677 of the Housing and Community Development Act of 1992 (Pub L. 102–550, approved October 28, 1992) and section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g).

The 1998 awards announced in this Notice were selected for funding in a competition announced in a **Federal Register** Notice published on June 1, 1998 (63 FR 29874). Applications were scored and selected for funding based on the selection criteria in that Notice.

A total of $6,500,000 was awarded to 80 Service Coordinator grantees who have submitted comprehensive implementation plans with specific measurable goals to promote self sufficiency of public and Native American housing residents. In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of those awards provided in Appendix A to this document.

Dated: June 22, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

APPENDIX A.—GRANTEES FOR THE SERVICE COORDINATOR PROGRAM, FISCAL YEAR 1998

Grantees	Amount
Florence Housing Authority, 303 North Pine Street, Florence, AL 35630	$38,576
Phenix City Housing Authority, 200 16th Street, Phenix City, AL 36868–0338	34,027
North Little Rock Housing Authority, 22nd and Division, North Little Rock, AR 72114	52,050
San Diego Housing Commission, 1625 Newton Avenue, San Diego, CA 92113–1038	54,888
Kern County Housing Authority, 525 Roberts Lane, Bakersfield, CA 93308	45,700
Housing Authority of the City of Norwalk, P.O. Box 508; 24½ Monroe Street, Norwalk, CT 06856	36,900
Housing Authority of the City of Hartford, 475 Flatbush Avenue, Hartford, CT 06016	44,840
East Hartford Housing Authority, 546 Burnside Avenue, East Hartford, CT 06108	45,000
West Haven Housing Authority, 15 Glade Street, West Haven, CT 06516	52,600
Miami Dade Housing Agency, 1401 N.W. 7th Street, Miami, FL 33125	230,000
Fort Pierce Housing Authority, 707 North 7th Street, Fort Pierce, FL 34950	45,550
Jacksonville Housing Authority, 1300 Broad Street, Jacksonsville, FL 32202	53,820
Housing Authority of the City of of Des Moines, Iowa, 1101 Crocker Street, Des Moines, IA 50308–1199	94,612
Chicago Housing Authority, 626 West Jackson Blvd. Chicago, IL 60661–5601	600,000
Decatur Housing Authority, 1808 East Locust Street, Decatur, IL 62521	38,856
Joliet Housing Authority, 6 South Broadway Street, Joliet, IL 60434	62,405
Lake County Housing Authority, 33928 N. Route 45, Grayslake, IL 60030	27,000
Rockford Housing Authority, 223 South Winnebago Street, Rockford, IL 61102	55,335
Kokomo Housing Authority, 210 East Taylor, Kokomo, IN 46903–1207	34,586
Hammond Housing Authority, 7329 Columbia Circle West, Hammond, IN 46324–2831	50,000
Indianapolis Housing Authority, Five Indiana Square, Indianapolis, IN 46204	181,160
Housing Authority of the City of Lawrence, KS, 1600 Haskell Avenue, Lawrence, KS 66044	31,402
HA of Glasgow, P.O. Box 1745, Glasgow, KY 42141	27,209
HA of Paducah, 2330 Ohio Street, Paducah, KY 42003	42,294
HA of Henderson, 111 S. Adams St., Henderson, KY 42420	33,519
Lynn Housing Authority, 174 South Common Street, Lynn, MA 01905	44,000
Boston Housing Authority, 125 Amory Street, Boston, MA 02119	222,569
New Bedford Housing Authority, 134 S. Second Street, New Bedford, MA 02741	42,644
Fall River Housing Authority, 85 Morgan Street, Fall River, MA 02722	46,670
Worcester Housing Authority, 40 Belmont Street, Worcester, MA 01605	232,704
Housing Authority of Baltimore City, 417 E. Fayette Street, P.O. Box 1917, Baltimore, MD 21202	287,946
HOC of Montgomery County, 10400 Detrick Avenue, Kensington, MD 20895	47,553
Portland Housing Authority, 14 Baxter Boulevard, Portland, ME 04101	80.262
Flint Housing Commission, 3820 Richfield Road, Flint, MI 48506	55,000
Plymouth Housing Commission, 1160 Sheridan, Plymouth, MI 48170	32,000
Port Huron Housing Commision, 905 Seveth St., Port Huron, MI 84060	31,750
Inkster Housing Commision, 4500 Inkster Rd, Inkster, MI 48141	37,856
Minneapolis Public Housing Agency, 1001 Washington Ave, North, Minneapolis, MN 55401	225,000
Duluth HRA, 222 East 2nd Street, P.O. Box 16900, Duluth, MN 55816–0900	50,662
South St. Paul HRA, 125 3rd Avenue North, South St. Paul, MN 55075	53,469
Housing Authority of Kansas City, Missouri, 299 Paseo, Kansas City, MO 64106	60,907
Housing Authority of the City of St. Joseph Missouri, 502 South 10th Street, St. Joseph, MO 64502	36,500
Housing Authority, City of Raleigh, 600 Tucker Street, Raleigh, NC 27611	36,650
Minot Housing Authority, 310 Second Street SE, Minot, ND 58701	38,535
Laconia Housing and Redevelopment Authority, 25 Union Avenue, Laconia, NH 03246	30,888
Manchester Housing and Redevelopment Authority, 198 Street, Manchester, NH 03104	23,932
Millville Housing Authority, P.O. Box 803, 122 E. Main Street, Millville, NJ 08332	33,500
Secaucus Housing Authority, 700 County Avenue, Secaucus, NJ 07094	30,000
Albany Housing Authority, 4 Lincoln Square, Albany, NY 12202	63,517
Town of Ramapo Housing Authority, Pondview Drive, Suffern, NY 10901	35,000
Schenectady Housing Authority, 372 Broadway, Schenectady, NY 12305	50,000
Elmira Housing Authority, 346 Woodlawn Avenue, Elmira, NY 14901	41,070
Jamestown Housing Authority, 110 West Third Street, Jamestown, NY 14701	50,276

APPENDIX A.—GRANTEES FOR THE SERVICE COORDINATOR PROGRAM, FISCAL YEAR 1998—Continued

Grantees	Amount
Ashtabula Metropolitan Housing Authority, 3526 Lake Avenue, Ashtabula, OH 44005	41,900
Miami PHA, 205 B Street, NE, Miami, OK 74354	34,440
Housing Authority and Urban Renewal Agency of Polk County, 204 SW, Walnut, Dallas OR 97338	35,105
Housing Authority of Portland, 135 SW Ash, Portland, OR 97204–3540	182,440
Northumberland County Housing Authority, 50 Mahoning Street, Milton, PA 17847	32,480
Newport Housing Authority, One York Street, Newport, RI 02840	30,000
Pawtucket Housing Authority, 214 Roosevelt Avenue, Pawtucket, RI 02862	78,750
Charleston H.A., 20 Franklin Street, Charleston, SC 29401	55,000
Metropolitan Development & Housing Agency, 701 South 6th Street, Nashville, TN 37206	117,086
Knoxville Community Development Corporation, 901 Broadway, Knoxville, TN 37927	351,648
Chattanooga Housing Authority, 505 West ML King Jr., Blvd, Chattanooga, TN 37401	241,370
Memphis Housing Authority, 700 Adams Avenue, Memphis, TN 38103	150,808
Housing Authority of the City of Austin, 1640–13 East Second Street, Austin, TX 78702	61,790
Laredo Housing Authority, 2000 San Francisco Avenue, Laredo, TX 78040	34,880
Housing Authority of the City of San Antonio, 818 South Flores, San Antonio, TX 78207	283,936
Dallas Housing Authority, 3939 N. Hampton Road, Dallas, TX 75212	55,851
Temple Housing Authority, 700 East Calhoun, Temple, TX 76503	31,304
Beaumont Housing Authority, 4925 Concord Road, Beaumont, TX 77708	46,150
Ft. Worth Housing Authority, 1201 East 13th Street, Ft. Worth, TX 76102	46,648
Waco Housing Authority, 1001 Washington, Waco, TX 76703	30,559
Richmond Redevelopment and Housing Authority, 901 Chamberlayne Parkway, Richmond, VA 23220	277,688
Norfolk Redevelopment and Housing Authority, P.O. Box 968, Norfolk, VA 23501	61,616
Housing Authority of the City of Everett, 3107 Colby, Everett, WA 98206–1547	35,052
Housing Authority of City of Tacoma, 902 South "L" Street, Tacoma, WA 98405	59,389
Oshkosh Housing Authority, 600 Merrit Avenue, Oshkosh, WI 54901	38,030
Appleton Housing Authority, 525 N Oneida Street, Appleton, WI 54911	20,000
The Huntington West Virginia Housing Authority, 30 Nothcott Court, Huntington, WV 25722	32,891

[FR Doc. 99–16389 Filed 6–25–99; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Alaska Land Managers Forum

AGENCY: Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: This notice is published in accordance with section 10(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (1988) and 41 CFR 101–6.1015(b). The Department of the Interior hereby gives notice of a public meeting of the Alaska Land Managers Forum to be held on Tuesday, July 6, 1999, beginning at 9:15 a.m. It will take place in Room 114 of the South Kaloa Building, 1689 C Street, Anchorage, Alaska. This meeting will be held to receive and discuss work group reports on recreation and tourism. The agenda will also include several briefing items.

FOR FURTHER INFORMATION CONTACT: Ronald B. McCoy at (907) 271–5485 or Sally Rue at (907) 465–4084.

Marilyn Heiman,

Special Assistant to the Secretary for Alaska, Department of the Interior, Office of the Secretary.

[FR Doc. 99–16476 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–RP–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with Section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations (50 CFR 18.27), notice is hereby given that Letters of Authorization to take polar bears and Pacific walrus incidental to oil and gas industry activities have been issued to the following companies:

Company	Activity	Date issued
BP Exploration (Alaska) Inc..	Exploration	June 9, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Rosa Meehan or Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammal Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3800.

SUPPLEMENTARY INFORMATION: All Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rule and Regulations "Marine Mammals; Incidental Take During Specified Activities" [64 FR 4328].

Dated: June 16, 1999.

David B. Allen,

Regional Director.

[FR Doc. 99–16269 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Biological Resources Division; Request for Public Comments on Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information described below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the requirement should be made directly to

the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to the Bureau Clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192. A request extending the information collection described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive., Reston, Virginia, 20192, telephone (703) 648–7313.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How 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 forms of information technology.

Title: Frogwatch USA.

Current OMB Approval Number: 1028–0072.

Summary: The collection of information referred herein applies to a World-Wide Web site that permits individuals to submit records of the number of calling amphibians at wetlands. The Web site is terms Frogwatch USA. Information will be used by scientists and federal, state, and local agencies to identify wetlands showing significant declines in populations of amphibians.

Estimated Annual Number of Respondents: 500.

Estimated Annual Burden Hours: 3,625 hours.

Affected Public: Primarily U.S. residents.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313, or see the website at www.mp2-pwrc.usgs.gov/frogwatch/.

Dated: June 16, 1999.

Denny Fenn,

Chief Biologist.

[FR Doc. 99–16270 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–055–1610–00]

Public Notification of the Release of the Red Rock Canyon National Conservation Area Proposed General Management Plan and Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, DOI.

ACTION: The Las Vegas Field Office of the Bureau of Land Management announces the availability of, and 90 day comment period on, the Proposed General Management Plan (GMP) and Draft Environmental Impact Statement (DEIS) for the Red Rock Canyon National Conservation Area (NCA).

SUMMARY: The GMP/DEIS has been prepared in accordance with Public Laws 101–621 and 103–450 which designated and amended the NCA and required preparation of a management plan. The GMP/DEIS covers the 196,000 acres in the NCA as expanded in 1994. When completed, the Final GMP will replace the Interim GMP adopted in 1995.

Copies of the plan may be acquired by calling (702) 647–5000 or writing the address listed below. The GMP/DEIS may also be found on the U.S. Department of the Interior, Bureau of Land Management, Nevada web site at http://www.nv.blm.gov.

DATES: This announcement initiates a 90 day public comment period on the GMP/DEIS starting on July 1, 1999 and ending on September 30, 1999.

ADDRESSES: Comments should be sent to Bureau of Land Management, Attention: Field Office Manager, 4765 W. Vegas Drive., Las Vegas, NV 89108. Comments may also be hand delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Gene Arnesen, GMP Team Leader, at (702)–647–5000.

SUPPLEMENTARY INFORMATION: Open houses will be held to provide the public an opportunity to discuss the Proposed GMP with BLM staff and management and have specific questions or concerns addressed. Open houses have been scheduled for July 14, 1999 from 1 to 4 pm; July 15, 1999 from 7 to 10 pm; and July 17, 1999 from 2 to 5 pm at the BLM Field Office, 4765 West Vegas Drive, and at the Red Rock Canyon Visitor Center on July 18, 1999 from 4 to 8 pm.

Dated: June 15, 1999.

Michael F. Dwyer,

Field Office Manager, Las Vegas.

[FR Doc. 99–16272 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–010–07–1020–00–241A]

Northwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Northwest Colorado Resource Advisory Council will be held on Tuesday August 3, 1999, at the Bureau of Land Management Office in Craig, Colorado.

DATES: Tuesday, August 3, 1999.

ADDRESSES: For further information, contact David Atkins, Bureau of Land Management (BLM), Northwest Center, 2815 H Road, Grand Junction, Colorado 81506; Telephone (970) 244–3074.

SUPPLEMENTARY INFORMATION: The Northwest Resource Advisory Council will meet on August 3, 1999, at the Bureau of Land Management Office, 455 Emerson Street, Craig, Colorado. The meeting will start at 9 a.m. and include discussions of fire planning, the proposed statewide recreation guidelines, Service First, grazing permit renewals, and wilderness review.

The meeting is open to the public. Interested persons may make oral statements at the meetings or submit written statements following the meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of council meetings are maintained at the Bureau of Land Management Office in Grand Junction. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: June 21, 1999.

Mark T. Morse,

Center Manager, Northwest Center.

[FR Doc. 99–16276 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–00: GP9–0225]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 27 S., R. 9 W., accepted April 13, 1999
T. 18 S., R. 7 W., accepted April 30, 1999

T. 16 S., R. 1 W., accepted June 7, 1999
T. 27 S., R. 12 W., accepted June 7, 1999
T. 27 S., R. 11 W., accepted June 7, 1999
T. 8 S., R. 3 W., accepted June 14, 1999

Washington

T. 12 N., R. 6 E., accepted April 7, 1999
T. 4 N., R. 7 E., accepted May 28, 1999

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: June 14, 1999.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 99–16271 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES 99–19]

Draft Programmatic Environmental Impact Statement/Environmental Impact Report (Draft Programmatic EIS/EIR), CALFED Bay-Delta Program, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the California Environmental Quality Act (CEQA), the Bureau of Reclamation, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, Natural Resources Conservation Service, Army Corps of Engineers, and the California Resources Agency, as joint lead agencies, have prepared a Draft Programmatic EIS/EIR for the CALFED Bay-Delta Program. The CALFED Bay-Delta Program is a cooperative effort of 15 State and Federal agencies with regulatory and management responsibilities in the San Francisco Bay-Sacramento/San Joaquin River Bay-Delta to develop a long-term plan to restore ecosystem health and improve water management for beneficial uses of the Bay-Delta system. This Draft Programmatic EIS/EIR is a result of this collaborative planning process and identifies comprehensive solutions to the problems of ecosystem quality, water supply reliability, water quality, and Delta levee and channel integrity. The Draft Programmatic EIS/EIR identifies four alternatives to implement these solutions and programmatically analyzes the environmental impacts of each of those alternatives. Public hearings will be held in 15 cities throughout California to receive comments on the Draft Programmatic EIS/EIR from interested organizations and individuals concerning the environmental impacts of the proposal.

An earlier version of the Draft Programmatic EIS/EIR was released in March 1998. A Preferred Program Alternative was subsequently identified, and the current Draft Programmatic EIS/EIR includes this revision. In addition, the analysis for each of the alternatives has been updated, and the comments received on the March 1998 draft have been identified or addressed, as appropriate, in the current document.

DATES: Written comments on the Draft Programmatic EIS/EIR should be submitted by September 23, 1999. Public hearings to receive oral comments on the Draft Programmatic EIS/EIR will be held in various locations in California. See Supplementary Information section for hearing dates.

ADDRESSES: Written comments on the Draft Programmatic EIS/EIR should be addressed to Mr. Rick Breitenbach, CALFED Bay-Delta Program, 1416 Ninth Street, Suite 1155, Sacramento, California 95814. Requests for a copy of the Draft Programmatic EIS/EIR may be addressed to Mr. Breitenbach at the address above. See the Supplemental Information section for a listing of the available documents and formats in which they may be obtained. Copies of the Draft Programmatic EIS/EIR are also available for public inspection and review. See Supplementary Information section for locations.

FOR FURTHER INFORMATION CONTACT: To request printed or electronic copies of the Draft Programmatic EIS/EIR or for additional information, contact Mr. Rick Breitenbach, telephone: (800) 900–3587.

SUPPLEMENTARY INFORMATION:

Hearing Dates and Locations

- August 18, 1999, in Stockton, California.
- August 19, 1999, in San Bernardino, California.
- August 24, 1999, in Los Angeles, California.
- August 25, 1999, in Salinas, California.
- August 26, 1999, in Oakland, California.
- August 31, 1999, in Pasadena, California.
- September 1, 1999, in San Diego, California.
- September 2, 1999, in Costa Mesa, California.
- September 7, 1999, in San Jose, California.
- September 8, 1999, in Antioch, California.
- September 9, 1999, in Santa Rosa, California.
- September 14, 1999, in Visalia, California.
- September 15, 1999, in Chico, California.
- September 21, 1999, in Redding, California.

• September 22, 1999, in Sacramento, California.

The specific location and times for the hearings are not available at this time. A separate notice providing this information will be placed in the **Federal Register** at a later date.

Available Formats

1. CALFED Bay-Delta Program Website

http://calfed.ca.gov—The Draft Programmatic EIS/EIR is posted on the CALFED website. The website also provides several other documents released by CALFED since August 1996. Sections or pages of all these documents can be copied and pasted into any word processing application or e-mail to make reviewing and sharing the documents easier and faster.

2. CD–ROM

The CD–ROM contains all of the documents, which are listed below, that are part of the Draft Programmatic EIS/EIR and appendices package. The CD–ROM is easy to use and indexed for easy navigation. The software required to view the documents is free and included with instructions on the CD. The search capability is one of the CD's most desirable features. For example, if you enter a word, such as ''watershed,'' the search function will find every reference to ''watershed'' in the document. The complete document, or portions of it, can be copied or printed from the CD.

3. Printed Documents

The Draft Programmatic EIS/EIR and appendices are printed in 14 individual volumes totaling approximately 3,000 pages. Either individual documents or the entire package can be requested. The following documents are part of the Draft Programmatic EIS/EIR package:

• Draft Programmatic EIS/EIR Main Document (Impact Analysis).
• Executive Summary.
• Revised Phase II Report, June 1999.
• Implementation Plan.
• Ecosystem Restoration Program Plan, 3 Volumes.
• Levee System Integrity Program Plan.
• Water Quality Program Plan.
• Water Use Efficiency Program Plan.
• Water Transfer Program Plan.
• Watershed Program Plan.
• Multi-species Conservation Strategy.
• Comprehensive Monitoring Assessment and Review Program Report.

Copies of the Draft Programmatic EIS/EIR are available for public inspection at:

• Bureau of Reclamation, Office of Policy, Room 7456, 1849 C Street, NW, Washington DC; telephone: (202) 208–4662.
• Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver CO; telephone: (303) 236–6963.
• Bureau of Reclamation, Public Affairs Office, Attention: MP–140, 2800 Cottage Way, Sacramento CA; telephone: (916) 978–5100.
• Natural Resources Library, U.S. Department of the Interior, 1849 C Street, NW, Main Interior Building, Washington DC.

Copies will also be available for inspection at the following libraries:

Amador County Library; Auburn-Placer County Library; Berkeley Public Library; Butte County Library; Calaveras County Library; California State Archives; California State Library; California State Polytechnic University, Pomona; California State Resources Library; California State University, Bakersfield; California State University, Chico; California State University, Fresno; California State University, Long Beach; California State University, Sacramento; California State University, San Diego; California State University, San Francisco; California State University, San Jose; California State University, Stanislaus; Colusa County Free Library; Contra Costa County Library; The Council of State Governments; County of Los Angeles Public Library, Government Publications; County of Los Angeles Public Library, Lancaster Library; Dixon Unified School District Library; El Dorado County Library; Fresno County Public Library; Golden Gate University; Grass Valley Library, Nevada County Library; Humboldt County Library; Inyo County Free Library; Kern County Library; Kings County Library; Lake County Library; Library of Congress; Lodi Public Library; Los Angeles County Law Library; Los Angeles Public Library; Los Banos Branch Library, Merced County Library; Madera County Library; Marin County Library; Mariposa County Library; Mendicino County Library; Merced County Library; Mono County Free Library; Monterey County Free Libraries; Napa City-County Library; Natural Resources Library; Nevada County Library; Oakland Public Library; Orange County Public Library; Orland Free Library; Plumas County Library; Quincy Library Group; Sacramento County Law Library; Sacramento Public Library; San Diego County Library; San Diego Public Library; San Diego State University, Malcolm A. Love Library; San Francisco Public Library; San Jose Public Library; San Luis Obispo City-County Library; Santa Barbara Public Library; Santa Clara County Library; Santa Cruz Public Library; Shasta County Library; Solano County Library; Sonoma County Library; Stanford University, Green Library; Stanislaus County Free Library; Stockton-San Joaquin County Public Library; Sutter County Library; Tehama County Library; Tulare County Free Library; Tulare Public Library; Tuolumne County Free Library; University of California, Berkeley; University of California, Davis, Shields Library; University of California, Los Angeles, Bruman Library; University of California, San Diego; University of California, Santa Barbara; Willows Public Library; Yolo County Library; Yuba County Library.

Dated: June 10, 1999.

Kirk C. Rodgers,

Acting Regional Director.

[FR Doc. 99–16195 Filed 6–25–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–423]

Certain Conductive Coated Abrasives; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 25, 1999, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Minnesota Mining Manufacturing Company of St. Paul Minnesota. A supplement to the complaint was filed on June 16, 1999. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain conductive coated abrasives by reason of infringement of claims 1, 15, 17, and 36 of U.S. Letters Patent 5,108,463, as amended by Reexamination Certificate B1 5,108,463. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent limited exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

FOR FURTHER INFORMATION CONTACT: Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1998).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on June 21, 1999, *ordered* that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain conductive coated abrasives by reason of infringement of claims 1,15, 17, or 36 of U.S. Letters Patent 5,108,463, as amended by Reexamination Certificate B1 5,108,463, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Minnesota Mining and Manufacturing Company, 3M Center, P.O. Box 33427, St. Paul, Minnesota 55133.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

KWH Mirka Ab Oy, Pensalant 210, Jepua FI–66850, FINLAND

Mirka Abrasives, Inc., 7950 Bavaria Road, Twinsburg, Ohio 44087, USA

(c) Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Room 401–M, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: June 22, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–16404 Filed 6–25–99; 8:45 am]

BILLING CODE 7020–02–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–E and 202 (Review) and 731–TA–103 and 514 (Review)]

Cotton Shop Towels From Bangladesh, China, Pakistan, and Peru [1]

AGENCY: United States International Trade Commission.

ACTION: Scheduling of a full five-year review concerning the countervailing duty orders and antidumping duty orders on cotton shop towels from Bangladesh, China, Pakistan, and Peru.

SUMMARY: The Commission hereby gives notice of the scheduling of a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty orders and the antidumping duty orders on cotton shop towels from Bangladesh, China, Pakistan, and Peru would be likely to lead to continuation or recurrence of material injury. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: June 15, 1999.

FOR FURTHER INFORMATION CONTACT: Bonnie Noreen (202–205–3167), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1999, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review pursuant to section 751(c)(5) of the Act should proceed (64 FR 19195, April 19, 1999). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

[1] The investigation numbers are as follows: Bangladesh is 731–TA–514 (Review), China is 731–TA–103 (Review), Pakistan is 701–TA–202 (Review), and Peru is 701–TA–E (Review).

Participation in the Review and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the review will be placed in the nonpublic record on October 25, 1999, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on November 18, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 9, 1999. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on November 15, 1999, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is November 3, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is November 30, 1999; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before November 30, 1999. On December 22, 1999, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 27, 1999, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination

The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: June 22, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–16405 Filed 6–25–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated August 21, 1998, and published in the **Federal Register** on September 4, 1998, (63 FR 47320), Fort Dodge Laboratories, 141 E. Riverside Drive, Fort Dodge, Iowa 50501, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of pentobarbital (2270), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture a product for distribution to its customers.

A registered bulk manufacturer of pentobarbital filed written comments and an objection in response to the notice of application. The objector argues, in part, that granting the registration would not be in the public interest because of possible diversion risks. The arguments of the objector were considered, however, DEA has reviewed the firm's safeguards to prevent the theft and diversion of pentobarbital and found that the firm has met the regulatory requirements and public interest factors of the Controlled Substances Act (CSA).

Fort Dodge Laboratories has been investigated by DEA to determine if the firm maintains effective controls against diversion and has found the firm to be in compliance with the CSA and its implementing regulations.

After reviewing all the evidence and the factors in Title 21, United States Code, Section 823(a), DEA has determined that the registration of Fort Dodge Laboratories to import pentobarbital is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations,

§ 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16260 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 18, 1999, and published in the **Federal Register** on April 1, 1999, (64 FR 15807), Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances in bulk to supply final dosage form manufacturers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Johnson Matthey, Inc. to manufacture listed controlled substances is consistent with the public interest at this time. DEA has investigated Johnson Matthey, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16261 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 1, 1999, and published in the **Federal Register** on April 1, 1999, (64 FR 15808), Lilly Del Caribe, Inc., Chemical Plant, Kilometer 146.7, State Road 2, Mayaguez, Puerto Rico 00680, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of dextropropoxyphene (9273), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture bulk product for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lilly Del Caribe, Inc. to manufacture dextropropoxyphene is consistent with the public interest at this time. DEA has investigated Lilly Del Caribe, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: June 15, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16262 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated February 5, 1999, and published in the **Federal Register** on February 26, 1999, (64 FR 9541), Lonza Riverside, 900 River Road, Conshohocken, Pennsylvania 19428, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm is importing the phenylacetone to manufacture dextroamphetamine sulfate.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Lonza Riverside to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Lonza Riverside on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: June 15, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16263 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated April 12, 1999, and published in the **Federal Register** on April 27, 1999, (64 FR 22645), Mallinckrodt Chemical Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Phenylacetone (8501)	II
Coca Leaves (9040)	II
Opium, raw (9600)	II
Opium poppy (9650)	II
Poppy Straw Concentrate (9670)	II

The firm plans to import the listed controlled substances to manufacture bulk finished products.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Mallinckrodt Chemical Inc. to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Mallinckrodt Chemical Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: June 15, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16264 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated February 5, 1999, and published in the **Federal Register** on February 26, 1999, (64 FR 9542), Novartis Pharmaceuticals Corp., 59 Route 10, East Hanoever, New Jersey 07936, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture finished product for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Novartis Pharmaceuticals Corp. to manufacture methylphenidate is consistent with the public interest at this time. DEA has investigated Novartis Pharmaceuticals Corp. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR sections 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: June 15, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16265 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated April 9, 1999, and published in the **Federal Register** on April 27, 1999, (64 FR 22646), Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of coca leaves (9040), a basic class of controlled substance listed in Schedule II.

The firm plans to import coca leaves to manufacture bulk controlled substances.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Stepan Company to import coca leaves is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Stepan Company on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: June 15, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–16266 Filed 6–25–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,762 and TA–W–34,762D]

Dresser Oil Tools, Dallas, Texas, Axelson, Inc., Div. of Dresser Industries, Inc., Production and Sales Representatives Operating at Various Locations in Texas and Operating at Various Locations in Louisiana; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 18, 1998 applicable to all

workers of Dresser Oil Tools, Dallas, Texas and operating at various locations in Texas (TA–W–34,762) and Louisiana (TA–W–34,762D). The notice was published in the **Federal Register** on October 9, 1998 (63 FR 54495).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of oilfield equipment and provide office, administration, management and sales services.

New information shows that Dresser Oil Tools, a Div. of Dresser Industries, Inc. purchased Axelson, Inc. in 1994. Worker separations occurred at Axelson, Inc. when it closed in March, 1999. The workers are engaged in the production of oilfield equipment. The State reports that some workers separated at Axelson, Inc., had their wages reported under a separate unemployment insurance (UI) tax account for Dresser Industries, Inc., Dallas, Texas.

Based on these findings, the Department is amending the certification to include workers of Axelson, Inc.

The intent of the Department's certification is to include all workers of Dresser Tools who were adversely affected by increased imports of oilfield equipment.

The amended notice applicable to TA–W–34,762 is hereby issued as follows:

All workers of Dresser Oil Tools, Dallas, Texas, Axelson, Inc., Div. of Dresser Industries, Inc., and operating at various locations in the following States: Texas (TA–W–34,762) and Louisiana (TA–W–34,762D), who became totally or partially separated from employment on or after July 6, 1997 through September 18, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 10th day of June, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16305 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,003]

E.I. Dupont De Nemours Performance Coatings, Rochester, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on June 4, 1999, applicable to workers of E.I. Dupont de Nemours, Performance Coatings located in Rochester, New York. The notice will soon be published in the **Federal Register**.

At the request of a company official, the Department reviewed the determination for workers of the subject firm. The workers of the subject firm engaged in employment related to the production of photochemistry for x-ray film were determined eligible to apply for TAA, whereas the workers producing photographic film and printing plate chemistry were denied eligibility. New information provided by the company indicates the workers at the subject firm are not separately identifiable by product line; workers are interchangeable and routinely perform work on all product lines. Based on this new information, the Department is amending the notice of determination to expand coverage to all workers of E.I. Dupont de Nemours, Performance Coatings, Rochester, New York.

The amended notice applicable to TA–W–36,003 is hereby issued as follows:

All workers of E.I. Dupont De Nemours, Performance Coatings, Rochester, New York, who became totally or partially separated from employment on or after March 27, 1998 through June 4, 2001, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 14th day of June 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16303 Filed 6–25–99; 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 Acting 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 of 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 8, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 8, 1999.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC, this 24th day of May, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

TA–W	Subject firm (petitioners)	Location	Date of petition	Product's
36,255	KCS Resources, Inc (Comp)	Worland, WY	05/19,1999	Exploration and Prod. of Oil and Gas.
36,256	Charles Komar and Sons (Comp)	McAlester, OK	05/14/1999	Ladies' Sleepwear.
36,257	Castalia Apparel (Comp)	Castalia, NC	03/26/1999	Girl's Dresses.

APPENDIX—Continued

TA–W	Subject firm (petitioners)	Location	Date of petition	Product's
36,258	Burlen Corporation (Co.)	Fitzgerald, GA	05/14/1999	Ladies' Undergarments.
36,259	Reef Chemical Co., Inc (Co.)	Midland, TX	05/11/1999	Oilfield Chemicals.
36,260	Oilgear Company (The) (Wkrs)	Longview, TX	05/04/1999	Flow Meters.
36,261	Avondale Mills (Wkrs)	New York City, NY	05/05/1999	Sales Office (Yarn).
36,262	Allsop, Inc. (Co.)	Laramie, WY	05/07/1999	Plastic Molded Computer Accessories.
36,263	Imation Corporation (Wkrs)	Vadnais Heights, MN	04/28/1999	Optical Discs.
36,264	Bahs, Inc (Co.)	Zeeland, MI	05/03/1999	Plastic Molding.
36,265	Ingersoll Dresser Pumps (USWA)	Phillipsburg, NJ	05/03/1999	Engineered Pumps.
36,266	Spenco Manufacturing (Co.)	Glenville, WV	05/04/1999	Car Seat Liners.
36,267	Batesville Casket Co. (Wkrs)	Campbellsville, KY	05/07/1999	Burial Caskets.
36,268	Briggs Manufacturing (GMP)	Robinson, IL	04/26/1999	Toilets, Sinks, etc.
36,269	Continental Apparel (Co.)	DeFuniak Spring, FL	05/04/1999	Children's Jeans and Shorts.
36,270	Applied Molded Products (LETC)	Watertown, WI	05/05/1999	Fiberglass Parts.
36,271	Oneita Industries, Inc. (Wkrs)	Cullman, AL	04/14/1999	Infants Apparel.
36,272	3m Company (Co.)	Hinsdale, IL	05/11/1999	Heart Monitoring Electrodes.
36,273	McCulloch Corp. (Co.)	Lake Havasu, AZ	05/12/1999	Components for Lawn and Garden.
36,274	Dupont Newport (Co.)	Newport, DE	05/03/1999	Chromium Dioxide.
36,275	Marianna Downtown Sewing (Co).	Marianna, FL	05/07/1999	Sew Fleece and Jersey Garments.
36,276	Allergan Lenior (Co.)	Lenoir, NC	05/11/1999	Cataract Eye Surgery Kits.
36,277	Indigo Jean (UNITE)	Lehighton, PA	04/15/1999	Ladies' Pants (Slacks).
36,278	Mannor Corp. (Wkrs)	Bay Minette, AL	05/10/1999	Men's Dress Trousers.
36,279	Hazleton Knitwear (Wkrs)	Hazleton, PA	05/08/1999	Sportswear.
36,280	Eagle Ottawa Leather (Wkrs)	Grand Haven, MI	05/06/1999	Finished Hides for Auto Industry.
36,281	Rich Bar Processing, Inc (Wkrs)	Bethlehem, PA	05/12/1999	Fabric Dyeing and Finishing.
36,282	Banner Elk Glove (Co.)	Banner Elk, NC	05/11/1999	Cotton Work Gloves.
36,283	Hevi Duty Electric (Co.)	Mt. Vernon, IL	05/14/1999	Scrap Copper, Scrap Aluminum.
36,284	Livingston Rebuild Cener (Co.)	Livingston, MT	05/10/1999	Rebuild Locomotives.
36,285	Pilling Weck Surgical (Co.)	Ft. Washington, PA	05/12/1999	Surgical Instruments.
36,286	Perennial Print (UNITE)	Paterson, NJ	04/23/1999	Dye, Finish & Print Fabrics.
36,287	Western Gas Resources (Wkrs)	Giddings, TX	05/07/1999	Natural Gas.
36,288	Excel Energy Co (Co.)	Sprigfield, IL	05/07/1999	Activities To Produce Crude Oil.
36,289	Marathon Oil (Co.)	Houston, TX	05/07/1999	Oil and Gas.
36,290	St. Paul Companies (The) (Co.)	St. Paul, MN	05/03/1999	Oil and Gas.
36,291A	Rosel Co (The) (Wrks)	Liberal, KS	05/07/1999	Exploration, Drilling of Oil and Gas.
36,291	Rosel Company (The) (Wkrs)	Oklahoma City, OK	05/07/1999	Exploration and Drilling of Oil and Gas.
36,292	Santa Fe Energy Resources (Co.)	Houston, TX	05/10/1999	Oil and Gas.
36,293	Leamco Rutcho (Wkrs)	Perryton, TX	04/22/1999	Repair, Maintenance of Pumping Units.
36,294	Lankford Oil and Gas (Co.)	Graham, TX	05/06/1999	Oil and Gas.
36,295	Chevron USA Production (Wkrs)	Midland, TX	04/27/1999	Oil and Gas.
36,296	Yale E. Key (Co.)	Midland, TX	04/28/1999	Service Oilwells.

[FR Doc. 99–16310 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,201]

Lighting Resources International Bellevue, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 10, 1999 in response to a worker petition which was filed on April 28, 1999 on behalf of workers at Lighting Resources International, Bellevue, Ohio.

A negative determination applicable to the petitioning group of workers was issued on May 6, 1999 (TA–W–36,004). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 11th day of May, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16302 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,109 and TA–W–35,109A]

MKE Quantum Components, Shrewsbury, Massachusetts and Louisville, Colorado; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 13, 1999, applicable to workers of MKE Quantum Components located in Shrewsbury, Massachusetts. The notice was published in the **Federal Register** on January 29, 1999 (64 FR 4712).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of components for disk drives. New information shows that worker separations occurred at the Louisville, Colorado location of MKE Quantum Components when it closed in March, 1999.

Accordingly, the Department is amending the certification to cover the workers of MKE Quantum Components, Louisville, Colorado.

The intent of the Department's certification is to include all workers of MKE Quantum Components who were adversely affected by increased imports.

The amended notice applicable to TA–W–35,109 is hereby issued as follows:

All workers of MKE Quantum Components, Shrewsbury, Massachusetts (TA–W–35,109) and Louisville, Colorado (TA–W–35,109A) who became totally or partially separated from employment on or after September 21, 1997 through January 13, 2001 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of June, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16307 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,842]

MKE Quantum Components, Louisville, CO; Termination of Certification

This notice terminates the Determination Regarding Eligibility to Apply for Worker Adjustment Assistance issued by the Department on May 4, 1999, applicable to workers of MKE Quantum Components located in Louisville, Colorado. The notice was published in the **Federal Register** on May 21, 1999 (64 FR 27811).

The Department, on its own motion, reviewed the worker certification. Findings show that the workers were engaged in the production of components for disk drives. On June 4, 1999, the Department issued an amended certification of eligibility applicable to workers of MKE Components, Louisville, Colorado, TA–W–35,109A. Workers separated from employment with the subject firm on or after September 21, 1997 through January 13, 2001, are eligible to apply for worker adjustment assistance program benefits.

Based on this new information, the Department is terminating the certification for petition number TA–W–35,841. Further coverage for workers under this certification would serve no purpose, and the certification has been terminated.

Signed at Washington, DC, this 7th day of June, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16308 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,405 and TA–W–35,405A]

Snyder Oil Corp. Headquartered in Fort Worth, TX, Operating Throughout the State of Texas and Denver, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on February 16, 1999, applicable to workers of Snyder Oil Corporation, Headquartered in Fort Worth, Texas and operating throughout the State of Texas. The notice was published in the **Federal Register** on April 27, 1999 (64 FR 22648).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in employment related to the production of crude oil and natural gas. New information provided by the company reveals that worker separations have occurred at the subject firm's Denver, Colorado location. The intent of the Department's certification is to include all workers of Snyder Oil Corporation who were affected by increased imports. Accordingly, the Department is amending the worker certification to include workers of Snyder Oil Corporation in Denver, Colorado.

The amended notice applicable to TA–W–35,405 is hereby issued as follows:

All workers of Snyder Oil Corporation, headquartered in Fort Worth, Texas, and operating at various locations throughout the State of Texas (TA–W–35,405) and Denver, Colorado (TA–W–35,405A), who became totally or partially separated from employment on or after February 3, 1998 through February 16, 2001, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 11th day of June 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16306 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,711, etc.]

Sperry-Sun Drilling Services, et al; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–35,711, Sperry-Sun Drilling Services Div. of Dresser Industries, Inc., headquartered in Houston, Texas operating out of other locations in the following states: TA–W–35,711A Alaska, TA–W–35,711B California, TA–W–35,711C Louisiana, TA–W–35,711D Michigan, TA–W–35,711E Oklahoma, TA–W–35,711F Texas, TA–W–35,711G Wyoming; TA–W–35,711AA Baroid Drilling Fluids, Div. of Dresser Industries, Inc., headquartered Houston, Texas, operating out of other locations in the following states: TA–W–35,711AB Alaska, TA–W–35,711AC Arkansas, TA–W–35,711AD Arizona, TA–W–35,711AE California, TA–W–35,711AF Colorado, TA–W–35,711AG Georgia, TA–W–35,711AH Iowa, TA–W–35,711AI Kansas, TA–W–35,711AJ Louisiana, TA–W–35,711AK Missouri, TA–W–35,711AL New Mexico, TA–W–35,711AM Nevada, TA–W–35,711AN Ohio, TA–W–35,711AO Oklahoma, TA–W–35,711AP Pennsylvania, TA–W–35,711AQ Texas, TA–W–35,711AR Wyoming, TA–W–35,711AS Mississippi, TA–W–35,711AT Alabama; TA–W–35,711BA Security DBS Div. of Dresser Industries, Inc., headquartered in Dallas, Texas, operating out of other locations in the following states: TA–W–35,711BB Colorado, TA–W–35,711BC Louisiana, TA–W–35,711BD Oklahoma, TA–W–35,711BE Texas; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for

Worker Adjustment Assistance on March 22, 1999, applicable to all workers of Baroid Drilling Fluids headquartered in Houston, Texas. The notice was published in the **Federal Register** on May 11, 1999 (64 FR 25372).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in various activities related to the drilling for crude oil and natural gas. New findings show that Dresser Industries, Inc. is the parent firm of Sperry-Sun Drilling Services, headquartered in Houston, Texas, Baroid Drilling Fluids, headquartered in Houston, Texas and Security DBS, headquartered in Dallas, Texas and operating at various locations in the above cited states. New information provided by the State shows that some workers separated from employment at Sperry-Sun Drilling Services, Baroid Drilling Fluids and Security DBS had their wages reported under a separate unemployment insurance (UI) tax account for Dresser Industries, Inc., Dallas Texas.

Accordingly, the Department is amending the certification to properly reflect this matter.

In accordance with the provisions of the Act, I make the following certification:

All workers of Sperry-Sun Drilling Services, a Div. of Dresser Industries, Inc., Houston, Texas (TA–W–35,711) and operating out of other locations in the following states Alaska (TA–W–35,711A), California (TA–W–35,711B), Louisiana (TA–W–35,711C), Michigan (TA–W–35,711D), Oklahoma (TA–W–35,711E), Texas (TA–W–35,711F) and Wyoming (TA–W–35,711G); Baroid Drilling Fluids, a Div. of Dresser Industries, Inc., Houston, Texas (TA–W–35,711AA) and operating out of other locations in the following states Alaska (TA–W–35,711AB), Arkansas (TA–W–35,711AC), Arizona (TA–W–35,711AD), California (TA–W–35,711AE), Colorado (TA–W–35,711AF), Georgia (TA–W–35,711AG), Iowa (TA–W–35,711AH), Kansas (TA–W–35,711AI), Louisiana (TA–W–35,711AJ), Missouri (TA–W–35,711AK), New Mexico (TA–W–35,711AL), Nevada (TA–W–35,711AM), Ohio (TA–W–35,711AN), Oklahoma (TA–W–35,711AO), Pennsylvania (TA–W–35,711AP), Texas (TA–W–35,711AQ), and Arkansas (TA–W–35,711AR) and Security DBS, a Div. of Dresser Industries, Inc., Dallas, Texas (TA–W–35,711BA) and operating out of other locations in the following states: Colorado (TA–W–35,711BB), Louisiana (TA–W–35,711BC), Oklahoma (TA–W–35,711BD) and Texas (TA–W–35,711BE) who became totally or partially separated from employment on or after February 17, 1998, through March 22, 2001 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 10th day of June, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16304 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Computer Scannable Versions of 1999 Form 5500 Annual Return/Report of Employee Benefit Plan; Request for Public Comment

AGENCY: Pension Benefit Guaranty Corporation, Department of Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit public comments on computer scannable versions of the 1999 Form 5500 Annual Return/Report of Employee Benefit Plan developed by two competing firms for use with a new computerized form processing system (the ERISA Filing Acceptance System, or ''EFAST''), beginning with filings for 1999 plan years.

DATES: Written comments must be submitted to the address specified below on or before July 28, 1999.

ADDRESSES: Interested persons are invited to submit written comments (preferably three copies) concerning the scannable formats to: EFAST Scannable Form 5500, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–5459, Washington, D.C. 20210. Written comments may also be sent by Internet to the following address: comments—form5500@pwba.dol.gov. All submissions will be shared among the Agencies and will be open to public inspection and copying in the Public Disclosure Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–5638, Washington, DC, from 8 a.m. to 4:30 p.m., E.S.T.

FOR FURTHER INFORMATION CONTACT: John Helms, EFAST Project Director, Pension and Welfare Benefits Administration, U.S. Department of Labor, at (202) 219–2623 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under part 1 of Title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA), Title IV or ERISA, and the Internal Revenue Code of 1986, as amended (the Code), administrators of pension and welfare benefit plans (collectively, employee benefit plans) subject to those provisions, and employers sponsoring certain fringe benefit plans and other plans of deferred compensation, are required to file returns/reports annually concerning the financial condition and operation of the plans. These reporting requirements are satisfied generally by filing the Form 5500 Series in accordance with its instructions and related regulations. The Form 5500 is the primary source of information concerning the operation, funding, assets and investments of pension and other employee benefit plans.

On September 3, 1997, the Agencies published a Notice of Proposed Revision of Annual Information Return/Reports in the **Federal Register** (62 FR 46556). The Agencies' proposal replaced the Form 5500, Form 5500–C and Form 5500–R with one Form 5500 intended to streamline the report and the methods by which it is filed. A public hearing on the proposed forms revisions was held on November 17, 1997, and written comments on the proposal were received until the public record was closed on December 3, 1997.

Concurrent with the development of the new forms, the Agencies are also developing a new computerized system to process the Form 5500 (''EFAST''). The new computerized processing system is designed to simplify and expedite the receipt and processing of the new Form 5500 by relying on computer scannable forms and electronic filing technologies.

Contracts were awarded to two national computer firms to competitively develop this system and computer scannable versions of the new Form 5500. When the firms have completed their ''small scale'' system assignments, one of the two firms will be chosen to ''scale-up'' its system and process the new Form 5500 for five years. The firm chosen will receive the forms, process the data into machine-readable format, conduct specified edit tests for validity and completeness, correspond with filers whose filings fail one or more edit tests, attempt to perfect the data using filer responses and, finally, provide the data to the Agencies.

On June 24, 1998, a Notice was published in the **Federal Register** (63 FR 34493) that stated that the Agencies had submitted a public information

collection request (ICR) for the revised Form 5500 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. Chapter 35). The new Form 5500 submitted as part of the ICR was made available to the public through the Department of Labor's Internet site. The Notice announced that the Agencies intended to solicit public comments on the computer scannable versions of the new forms developed as part of the EFAST project. Following its Paperwork Reduction Act review, OMB gave Paperwork Reduction Act approval to the new Form 5500 on August 26, 1998, provided certain minor technical adjustments were made to the forms and the Agencies solicited public comments on the computer scannable formats developed by the competing firms as part of the EFAST project.[1] Both firms have now developed computer scannable versions of the new Form 5500.

By this notice, the Agencies are soliciting public comments on the computer scannable formats developed as part of the EFAST project. One firm (Vendor #1) designed a computer scannable Form 5500 to be completed by all filers. The other firm (Vendor #2) designed two versions, one for filers printing the computer scannable Form 5500 by a computer printer (printer version) and the other for filers completing the form by hand or typewriter (hand/typewriter version). These mock-up versions of the computer scannable Form 5500 are available for viewing and downloading through the Department of Labor's Internet site (www.dol.gov/dol/pwba).

The final computer scannable version of the forms will be published in the **Federal Register** following the selection of the firm that will process the new Form 5500 under the EFAST system. Except for those who file electronically, the use of computer scannable forms will be mandatory for 1999 plan year filings.

Dated: June 21, 1999.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Department of Labor.

Carol D. Gold,

Director, Employee Plans Division, Internal Revenue Service, Department of the Treasury.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 99–16198 Filed 6–25–99; 8:45 am]

BILLING CODE 4510–29–M

[1] The Department of Labor also proposed on December 10, 1998, in the **Federal Register** (63 FR 68370), and requested comments on, revision to the Department's annual reporting regulations that would implement the new Form 5500 requirements.

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.), this notice announces that the Merit Systems Protection Board's request for a three year extension of approval of its optional appeal form, Optional Form 283 (Rev. 10/94) has been forwarded to the Office of Management and Budget (OMB) for review and comment. The appeal form is currently displayed in 5 CFR Part 1201, Appendix I, and on the MSPB Web Page at http://www.mspb.gov/merit009.html

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per responses	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	9,000	1	9,000	.5	4,500

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the address shown below. Please refer to OMB Control No. 3124–0009 in any correspondence.

DATES: Comments must be received on or before July 28, 1999.

ADDRESSES: Copies of the appeal form may be obtained from Arlin Winefordner, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419 or by calling (202) 653–7200. Comments concerning the paperwork burden should also be addressed to Mr. Winefordner and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for MSPB, 725 17th Street NW, Washington, DC 20503.

Dated: June 21, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–16286 Filed 6–25–99; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to renew the information collections described in this notice, which are used in the National Historical Publications and Records Commission (NHPRC) grant program. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before August 27, 1999 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 3200, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–6913; or

electronically mailed to tamee.fechhelm@arch2.nara.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–6730, or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) whether the proposed information collections are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

1. *Title:* Application for attendance at the Institute for the Editing of Historical Documents.

OMB number: 3095–0012.

Agency form number: None.

Type of review: Regular.

Affected public: Individuals, often already working on documentary editing projects, who wish to apply to attend the annual one-week Institute for the Editing of Historical Documents, an intensive seminar in all aspects of modern documentary editing techniques taught by visiting editors and specialists.

Estimated number of respondents: 25.

Estimated time per response: 1.5 hours.

Frequency of response: On occasion, no more than annually (when respondent wishes to apply for attendance at the Institute).

Estimated total annual burden hours: 37.5 hours.

Abstract: The application is used by the NHPRC staff to establish the applicants' qualifications and to permit selection of those individuals best qualified to attend the Institute jointly sponsored by the NHPRC, the State Historical Society of Wisconsin, and the University of Wisconsin. Selected applicants' forms are forwarded to the resident advisors of the Institute, who use them to determine what areas of instruction would be most useful to the applicants.

2. *Title:* National Historical Publications and Records Commission Grant Program.

OMB number: 3095–0013.

Agency form number: None.

Type of review: Regular.

Affected public: Nonprofit organizations and institutions, state and local government agencies, Federally acknowledged or state-recognized Native American tribes or groups, and individuals who apply for NHPRC grants for support of historical documentary editions, archival preservation and planning projects, and other records projects.

Estimated number of respondents: 134 per year submit applications; approximately 100 grantees among the applicant respondents also submit semiannual narrative performance reports.

Estimated time per response: 54 hours per application; 2 hours per narrative report.

Frequency of response: On occasion for the application; semiannually for the narrative report. Currently, the NHPRC considers grant applications 2 times per year; respondents usually submit no more than one application per year.

Estimated total annual burden hours: 7,636 hours.

Abstract: The application is used by the NHPRC staff, reviewers, and the Commission to determine if the applicant and proposed project are eligible for an NHPRC grant, and whether the proposed project is methodologically sound and suitable for support. The narrative report is used by the NHPRC staff to monitor the performance of grants.

3. *Title:* Applications for Archival Administration and Historical Documentary Editing Fellowships.

OMB number: 3095–0014.

Agency form number: None.

Type of review: Regular.

Affected public: Individuals who wish to apply for an NHPRC fellowship in archival administration or historical documentary editing. Applicants for the archival administration fellowship must have at least two years' professional archival work experience; applicants for the editing fellowship must hold a Ph.D. or have completed all requirement for the degree except the dissertation.

Estimated number of respondents: 9.

Estimated time per response: 8 hours.

Frequency of response: Generally one-time.

Estimated total annual burden hours: 72 hours.

Abstract: The application is used by the NHPRC staff to establish the applicants' qualifications and to permit selection by the host institution of those individuals best qualified for the fellowships. One fellowship in archival administration and one fellowship in historical editing are awarded each year.

4. *Title:* Application for host institutions of archival administration and historical editing fellowships.

OMB number: 3095–0015.

Agency form number: None.

Type of review: Regular.

Affected public: Nonprofit institutions or organizations that have active archival or special collections programs, and historical documentary publication projects that have received an NHPRC grant.

Estimated number of respondents: 9.

Estimated time per response: 17 hours.

Frequency of response: Generally, one-time although an institution may apply in subsequent years.

Estimated total annual burden hours: 153 hours.

Abstract: The application is used by the NHPRC staff to select applicants to serve as host institutions for the two fellowships supported by the NHPRC each year.

Dated: June 22, 1999.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 99–16317 Filed 6–25–99; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting

the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of title 5, United States code.

1. *Date:* July 12, 1999.
Time: 8:30 a.m. to 6:00 p.m.
Room: 420.
Program: This meeting will review applications for History Museums, Historical Societies, Historic Sites, submitted to the Office of Challenge Grants at the May 1, 1999 deadline.

2. *Date:* July 19, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for University Teachers in Anthropology I, submitted to the Division of Research at the May 1, 1999 deadline.

3. *Date:* July 19, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in European History, submitted to the Division of Research at the May 1, 1999 deadline.

4. *Date:* July 20, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for University Teachers in American History and Studies I, submitted to the Division of Research at the May 1, 1999 deadline.

5. *Date:* July 20, 1999.
Time: 8:30 a.m. to 6:00 p.m.
Room: 420.
Program: This meeting will review applications for Colleges and Universities II, submitted to the Office of Challenge Grants at the May 1, 1999 deadline.

6. *Date:* July 21, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for University Teachers in European History, submitted to the Division of Research at the May 1, 1999 deadline.

7. *Date:* July 22, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in Religious Studies, submitted to the Division of Research at the May 1, 1999 deadline.

8. *Date:* July 22, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars, in American Literature, submitted to the Division of Research at the May 1, 1999 deadline.

9. *Date:* July 23, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for University Teachers in Philosophy, submitted to the Division of Research at the May 1, 1999 deadline.

10. *Date:* July 23, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for University Teachers in Anthropology II, submitted to the Division of Research at the May 1, 1999 deadline.

11. *Date:* July 23, 1999.
Time: 8:30 a.m. to 6:00 p.m.
Room: 420.
Program: This meeting will review applications for Libraries, submitted to the Office of Challenge Grants at the May 1, 1999 deadline.

12. *Date:* July 26, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for College Teachers in Independent Scholars in Music, Dance, and Film, submitted to the Division of Research at the May 1, 1999 deadline.

13. *Date:* July 27, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in African, Asian, and Latin American History, submitted to the Division of Research at the May 1, 1999 deadline.

14. *Date:* July 27, 1999.
Time: 8:30 a.m. to 6:00 p.m.
Room: 420.
Program: This meeting will review applications for Research Institutions and Programs, submitted to the Office of Challenge Grants at the May 1, 1999 deadline.

15. *Date:* July 28, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in American History I, submitted to the Division of Research at the May 1, 1999 deadline.

16. *Date:* July 28, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in American History II, submitted to the Division of Research at the May 1, 1999 deadline.

17. *Date:* July 29, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for University Teachers in African, Asian, and Near Eastern Studies, submitted to the Division of Research at the May 1, 1999 deadline.

18. *Date:* July 30, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Fellowships for University Teachers in British Literature, submitted to the Division of Research at the May 1, 1999 deadline.

19. *Date:* July 30, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Fellowships for College Teachers and Independent Scholars in British Literature, submitted to the Division of Research at the May 1, 1999 deadline.

Nancy E. Weiss,
Advisory Committee Management Officer.

[FR Doc. 99–16396 Filed 6–25–99; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry (1191).

Date & Time: July 12–13, 1999; 8:00 AM to 5:00 PM each day.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Richard Hilderbrandt, Program Officer, National Science Foundation, Room 1055, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1844.

Purpose of Meeting: Reviewing proposals submitted to the Knowledge and Distributed Intelligence (KDI) Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: June 22, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–16293 Filed 6–25–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Geosciences (1756).

Date and Time: July 26–28, 8:00 a.m.—5:00 p.m.

Place: Room 770, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Stephen Nelson, Program Director, Mesoscale Dynamic Meteorology Program, Room 775, Division of Atmospheric Sciences, National Science Foundation, 4201 Wilson Boulevard, VA 22230 Telephone: (703) 306–1526.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the U.S. Weather Research Program (USWRP) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated; June 22, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–16292 Filed 6–25–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Polar Programs.

Date/Time: August 10–12, 1999 8:00 a.m. to 5:00 p.m.

Place: National Science Foundation, Room 375, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Charles Myers, Program Manager, Head, Interagency for Arctic Staff, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1029.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for Environmental observatories Remote/Autonomous Instruments Sample Repositories.

Agenda: To review and evaluate Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: June 22, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–16294 Filed 6–25–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–34610–ML, ASLBP No. 99–768–02–ML]

Department of the Army; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and §§ 2.1201 and 2.1207 of part 2 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

U.S. Department of the Army (Request for Materials License)

The hearing, if granted, will be conducted pursuant to 10 CFR part 2, subpart L, of the Commission's Regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding concerns a request for hearing submitted by the U.S. Department of the Army in response to a denial by the NRC staff of the Army's application for registration and licensing of the model M22/GID–3 Automatic Chemical Agent Detector/Alarm for distribution under 10 CFR 32.26 to users exempt from the regulations in accordance with 10 CFR 30.20.

The Presiding Officer in this proceeding is Administrative Judge Charles Bechhoefer. Pursuant to the provisions of 10 CFR 2.722, 2.1209, Administrative Judge Linda W. Little has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judge Bechhoefer and Judge Little in accordance with 10 CFR 2.1203. Their addresses are:

Administrative Judge Charles Bechhoefer, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001

Dr. Linda W. Little, Special Assistant, 5000 Hermitage Drive, Raleigh, NC 27612

Issued at Rockville, Md., this 22nd day of June 1999.

G. Paul Bollwerk III,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 99–16392 Filed 6–25–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee meeting on Planning and Procedures scheduled to start at 1:00 p.m. on Tuesday, July 13, 1999, has been changed to start at 9:30 a.m. Notice of this meeting was published in the **Federal Register** on Tuesday, June 15, 1999 (64 FR 32070). All other items pertaining to this meeting remain the same as previously published.

For further information contact: Dr. John T. Larkins, cognizant ACRS staff

person (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: June 22, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–16390 Filed 6–25–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on July 14–16, 1999, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 18, 1998 (63 FR 64105).

Wednesday, July 14, 1999

8:30 A.M.–8:45 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:45 A.M.–10:15 A.M.: Electric Power Research Institute (EPRI) RETRAN–3D Thermal-Hydraulic Transient Analysis Code (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status of the review of the EPRI RETRAN–3D thermal-hydraulic transient analysis code.

10:30 A.M.–11:30 A.M.: Proposed Revision to Appendix K of 10 CFR Part 50 (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed revision to Appendix K, ''ECCS Evaluation Models,'' to allow minor power level increases, and related matters.

12:30 P.M.—2:00 P.M.: Options for Crediting Existing Programs for License Renewal (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute regarding the proposed options for crediting existing NRC-approved programs for license renewal.

2:15 P.M.–3:45 P.M.: Proposed Revision 3 to Regulatory Guide 1.160 (DG–1082), ''Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed revision 3 to Regulatory Guide 1.160.

4:00 P.M.–5:00 P.M.: Proposed Approach for Revising 10 CFR 50.61, Pressurized Thermal Shock Rule (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff's proposed approach for revising the Pressurized Thermal Shock Rule.

5:00 P.M.–6:00 P.M.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

6:00 P.M.–7:15 P.M.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Thursday, July 15, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–10:00 A.M.: Proposed Final Regulatory Guide for Updating Final Safety Analysis Reports (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute regarding proposed final Regulatory Guide for Updating the Final Safety Analysis Reports, and related matters.

10:15 A.M.–12:00 Noon: Control Room Habitability (Open)—The Committee will hear presentations by and hold discussions with: Dr. Kovach, an invited expert, on control room habitability issues; representatives of the NRC staff on staff activities associated with resolving control room habitability issues; and representatives of the Nuclear Energy Institute regarding industry activities related to control room habitability.

1:00 P.M.–2:30 P.M.: Proposed Amendment to 10 CFR 50.55a ''Codes and Standards'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, the Nuclear Energy Institute, and the American Society of Mechanical Engineers regarding the proposed amendment to 10 CFR 50.55a, including the proposed staff position on eliminating the regulatory requirement for licensees to update their inservice inspection and inservice testing programs every 120 months, and related matters.

2:30 P.M.–2:45 P.M.: Subcommittee Report (Open)—The Committee will hear a report by the Chairman of the ACRS Subcommittees on Reliability and Probabilistic Risk Assessment and on Regulatory Policies and Practices regarding matters discussed at the July 13, 1999 joint meeting, including the development of risk-informed revisions to 10 CFR Part 50, proposed definitions and scope changes related to structures, systems, and components, as well as policy issues, special studies, and related matters.

3:00 P.M.–3:45 P.M.: Proposed Plan for Preparation of the Annual ACRS Report to the Commission (Open)—The Committee will discuss proposed plan for preparing the next annual ACRS report to the Commission on the NRC Safety Research Program.

3:45 P.M.–4:45 P.M.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

4:45 P.M.–7:15 P.M.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Friday, July 16, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–10:00 A.M.: Highlights from Incident Reporting System (Closed)—The Committee will hear a presentation by and hold discussions with representatives from the NRC staff regarding highlights of events that occurred at foreign nuclear plants during 1997 and 1998 and associated safety significance.

Note: This session will be closed to discuss information provided in confidence by a foreign source.

10:15 A.M.–10:30 A.M.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

10:30 A.M.–10:45 A.M.: Report of the Planning and Procedures

Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS. [Note: A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:45 A.M.–11:00 A.M.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters, including the EDO response to the ACRS reports on proposed final revision to 10 CFR 50.65, dated April 14 and May 11, 1999.

11:00 A.M.–5:00 P.M.: Discussion of Proposed ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting.

5:00 P.M.–5:30 P.M.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51968). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, ACRS, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting Mr. Sam Duraiswamy prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Sam Duraiswamy if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Public Law 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss information provided in confidence by a foreign source per 5 U.S.C. 552b(c)(4), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Mr. Sam Duraiswamy (telephone 301/415–7364), between 7:30 a.m. and 4:15 p.m. EDT.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. EDT at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: June 22, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–16391 Filed 6–25–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Correction to Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

On June 16, 1999 (64 FR 32284), the **Federal Register** published the Biweekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Consideration. On page 32284, the paragraph starting ''By July 19, 1999, the licensee may file'' should read ''By July 16, 1999, the licensee may file.''

Dated at Rockville, Maryland, this 22nd day of June 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16394 Filed 6–25–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–5760]

Merchant Marine Personnel Advisory Committee; Vacancies; Correction

AGENCY: Coast Guard, DOT.

ACTION: Request for applications; correction.

SUMMARY: This document contains a correction to the request for applications notice (USCG–1999–5760) which was published June 8, 1999. The notice sought applicants for the Coast Guard's Merchant Marine Personnel Advisory Committee (MERPAC).

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG–1999–5760), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. You may also access docket materials over the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this correction notice, contact Mr. Mark Gould, telephone 202–267–6890. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard is seeking applicants to fill six vacant positions on MERPAC. Applications must reach the Coast Guard on or before August 1, 1999.

Need for Correction

As published, the notice contains an incorrect website address that may prove to be misleading and therefore needs to be corrected. The notice also inaccurately states that there are five vacancies when, in fact there are six.

Correction of Publication

Accordingly, the **Federal Register** publication on June 8, 1999, of the request for applications in FR Doc. 99–14509 is corrected as follows:

1. On page 30556, in the second column, under **ADDRESSES**, line 10, the website address ''http://dms.dos.gov'' should read ''http://dms.dot.gov''.
2. On page 30556, in the second column, under **SUPPLEMENTARY INFORMATION**, line 1 of the second paragraph, the first word ''MERPCAS'' should read ''MERPAC''.
3. On page 30556, in the second column, under **SUPPLEMENTARY INFORMATION**, line 2 of the third paragraph, ''applications for five positions that'' should read ''applications for six positions that''.
4. On page 30556, in the third column, under **SUPPLEMENTARY INFORMATION**, line 4 ''(d) Marine Educator associated with a'' should read ''(d) Two Marine Educators associated with a''.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 99–16362 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 7, 1999 [FR 64, page 17055].

DATES: Comments must be submitted on or before July 28, 1999. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Aviation Safety Counselor of the Year Award Competition.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0574.

Forms(s): FAA Form 8740–14.

Affected Public: Individuals involved in aviation.

Abstract: The form is used to nominate private citizens for recognition of their volunteer services to the FAA. The agency will use the information on the form to select nine regional winners and one national winner.

Estimated Annual Burden Hours: 180 burden hours annually.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on June 21, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 99–16274 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Closure of FAA Workspace Located in Billings, MT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration announces the closure of workspace provided for Aviation Safety Inspectors in Billings, MT.

EFFECTIVE DATE: This notice is effective as of July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Pile, Manager, Resource Management Branch, Flight Standards Division, Northwest Mountain Region, ANM–210, 1601 Lind Avenue SW, Renton, WA 98055–4056, telephone number (425) 227–2210.

SUPPLEMENTARY INFORMATION: Currently, six Flight Standards Aviation Safety Inspectors, traveling from the Helena Flight Standards District Office, deliver service to the aviation industry and public in Montana. The Billings workspace was provided for use by these traveling Inspectors. However, the actual utilization of this workspace has been minimal. Furthermore, no Flight Standards personnel have been based in Billings for the past five years. Thus, closure of this workspace became appropriate in the interest of eficient use of taxpayer dollars. After this workspace is closed, the Flight Standards Aviation Safety Inspectors will continue to provide the same level of service.

Issued in Washington, DC, on June 21, 1999.

Angela B. Elgee,

Acting Manager, Flight Standards Division, ANM–200.

[FR Doc. 99–16275 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

International Mass Transportation Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This Notice announces the establishment of a new International Mass Transportation Program (IMTP) by the Federal Transit Administration (FTA). The purpose of the IMTP, which

was authorized by Congress at FTA's request, is to strengthen the domestic transit industry by providing it with greater access to information about technological innovations and business opportunities in the global marketplace. This notice describes the statutory basis and proposed structure of the program, and solicits public comments and expressions of interest.

DATES: August 27, 1999.

FOR FURTHER INFORMATION CONTACT: Edward L. Thomas, Associate Administrator for Research, Demonstration and Innovation (TRI–1), at (202) 366–4052, or Rita Daguillard, International Program Manager, at (202) 366–0955, or in writing at Room 9401, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

The increasing globalization of the world economy has presented great new opportunities and challenges for the mass transportation industry. The vast array of technological innovations available worldwide allows transit providers to offer quicker and better service, attract new ridership, and maximize use of their equipment and infrastructure. Moreover, the lowering of political and economic barriers and the growth of information technology has created an integrated and interconnected global marketplace.

In order to enhance its abilities to help the domestic transit industry take advantage of this new technology and gain greater access to international markets, FTA requested from Congress authorization to establish an international program. On June 9, 1998, President Clinton signed into law the Transportation Equity Act for the 21st Century (TEA–21). Section 3015 of TEA–21 creates a new Section 5312(e) in Title 49, United States Code, which authorizes the Secretary of Transportation to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and to undertake activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. That section provides:

1. Authority. Title 49 United States Code Section 3015(e) International Mass Transportation Program provides broad authority including:

a. *Activities* The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. Such activities may include—

(1) Development, monitoring, assessment, and dissemination domestically information about worldwide mass transportation market opportunities;

(2) Cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

(3) Advocating, in international mass transportation markets of firms, products and services available from the United States;

(4) Informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

(5) Offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

b. *Cooperation.* The Secretary may carry out activities in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

c. *Funding.* Funds available to carry out the IMTP include revenues paid to the Secretary by any cooperating organization or person, and may be used to carry out authorized activities, including necessary promotional materials, travel, reception and representation expenses.

II. Program Structure

Both the FTA and U.S. Department of Transportation Strategic Plans include advancing America's economic growth and competitiveness domestically and internationally as a primary goal. This goal is the product of extensive public outreach and reflects the input of both public and private sectors of the U.S. mass transportation industry on the proper role of the Federal Government in this area. The overall structure of the IMTP has been designed with this goal in mind, consistent with Congressional intent for the IMTP. Initially the program has been divided into four basic functional categories:

- Intergovernmental Cooperation Agreements
- Technology/Information Exchange
- Human Capacity Building
- U. S. Industry Trade Support

Activities and outcomes envisioned for each area are discussed further below. FTA seeks comments from the U.S. domestic mass transportation industry and other interested parties on the proper roles of FTA and other potential participants in each functional area. FTA also seeks views and comments on the appropriateness of the functional areas selected and whether additional functional areas should be included in keeping with the strategic goals of the IMTP.

A. Intergovernmental Cooperation Agreements

Active government support for domestic industries is well recognized as a key ingredient to success in the international trade arena. Such support can take many forms as suggested below under the functional category of U.S. Industry Trade Support. A distinctly separate but interrelated function involves the mutual support of the U.S. Government in carrying out its international relations provided to foreign governments and international organizations. FTA and other elements of the U.S. Department of Transportation have entered into a variety of intergovernmental agreements involving technical assistance, technology transfer, international standards, and the like with numerous foreign governments. Implementation of the terms of these agreements is likely to present a variety of trade opportunities for the U.S. domestic transportation industry.

A principal outcome goal of the IMTP, consistent with the statutory mandate, will be to increase activities in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or industry associations such as the American Public Transit Association and the Intelligent Transportation Society of America.

B. Technology/Information Exchange

Over the past two decades, we have entered an Information Age that has created social and economic changes as profound as those brought about by the Industrial Revolution two centuries earlier. New information technologies in the areas of fleet management, traveler information, and electronic payment have greatly affected the delivery of transportation services. A principal outcome goal of the IMTP is to increase

the availability of information to the U.S. domestic transportation industry in the areas of global transportation innovation and trade. In this Information Age it is impractical to think in terms of any one agency serving as the single source of information for any industry. However, given FTA's experience in international technology transfer and information exchange, FTA can play a pivotal role. A primary example is FTA's participation in the Transportation Research Information Service (TRIS) and the international database, TRANSPORT, which is the result of international cooperation among the U.S. Department of Transportation, Transportation Research Board, Road Transport Research Program of the Organization for Economic Cooperation and Development, and the European Conference of Ministers of Transport.

FTA is aware of complaints from the U.S. domestic transportation industry that technology transfer and information exchange is heavily weighted towards the outflow of U.S. know-how in dealings with certain foreign government agencies and organizations, to the distinct disadvantage of the U.S. domestic transportation industry. It is a basic tenet of the IMTP that technology transfer and information exchange be a two-way communication at all levels. Like intergovernmental agreements, this area holds the potential for offering additional trade opportunities for the U.S. domestic transportation industry. It also serves as a major resource for advancing FTA's goals in the area of human capacity building.

C. Human Capacity Building

This functional area includes a variety of activities directed towards two primary outcome goals (1) increasing the capacity of the U.S. domestic mass transportation industry to compete internationally; and (2) increasing the technical capacity of foreign mass transportation providers, both public and private, to meet the mobility needs of their traveling publics.

Towards the first goal, FTA will offer basic and advanced training to the U.S. domestic transportation industry in fundamentals of international trade and finance. Such training would include a full range of subjects such as U.S. Department of Commerce, State, and Defense regulations affecting export of goods and services to regulatory requirements applicable to foreign importers such as the International Standards Organization (ISO) standards for quality control (ISO 9000) and environmental protection (ISO 14000). FTA can facilitate briefings by other Federal agencies such as U.S. Agency for International Development for knowledge on the roles and resources offered by such agencies to assist the U.S. domestic transportation industry in the international arena. In carrying out these activities, FTA will work closely with representatives of the U.S. domestic mass transportation industry, such as the Business Members Board of Governors of the American Public Transit Association, to identify and prioritize industry needs.

Towards the second goal, FTA will assist foreign mass transit providers, both public and private, in building the human capacity necessary to plan, design, build and operate their own domestic transportation systems. In so doing, FTA will showcase U.S. transportation technology and innovative practices. To the maximum extent practicable, this effort will be carried out through the promotion and use of products and services offered by the U.S. domestic mass transportation industry.

D. U.S. Industry Trade Support

The U.S. domestic transportation industry is inextricably entwined with the international transportation industry. In today's global marketplace the U.S. transportation industry simply cannot survive unless it remains internationally competitive. The survival of other U.S. domestic industries is similarly tied to the economic health and vitality of the domestic transportation industry, as is the quality of life and mobility options of all residents in the United States. But what is the appropriate role for the FTA? TEA–21 is reasonably explicit concerning the broad types of activities FTA may carry out under the IMTP, as discussed under paragraph 1 above. Notwithstanding, FTA will look to the U.S. transportation industry, both public and private sector representatives, to say which of these activities are most needed and how they should be deployed at any given time.

Thus, FTA has identified a series of concrete steps, in addition to those previously discussed, which might be undertaken within the scope of the IMTP, to supplement, rather than supplant, the efforts of the industry itself and other stakeholders. FTA seeks comment and suggestions on how FTA should approach each area, as well as thoughts on other avenues that might be taken to achieve our strategic planning goals.

III. Implementation and Funding of Program Activities

Section 3015 of TEA–21 provides that IMTP program activities may be carried out with revenues paid to FTA by any cooperating organization or person. FTA seeks recommendations and suggestions on how such entities could make financial contributions to each of the proposed IMTP activities. In particular, FTA seeks comment on which activities should be funded; and, what levels of funding are appropriate for each activity? Commenters are also invited to identify program activities in addition to those listed below, indicate which organizations or individuals would participate in them, and how and by whom they would be funded. FTA will describe specific mechanisms for those program activities in its final notice on the IMTP.

(1) International Mass Transit Displays

Visual displays, literature and promotional materials/items supporting advocacy for U.S. efforts abroad would be provided. Video presentations on the IMTP and products and services available from U.S. domestic transportation industry suppliers would be prepared and distributed for use by presenters at appropriate events such as those sponsored by the American Public Transit Association, World Bank, State Department, Commerce Department and similar organizations.

(2) Speakers Bureau

FTA can serve as a clearinghouse for representatives of the U.S. domestic transportation industry willing to make speeches and provide technical presentations at both national and international meetings, conferences, trade fairs and the like.

(3) Co-sponsorship of International Conferences

It may be appropriate for FTA to provide a modest amount of funds, through cooperative arrangements with other public and private sector organizations, to co-sponsor events which provide opportunities for promoting the goals of the IMTP.

(4) International Mass Transportation Program Forum

FTA envisons holding one or more outreach events to promote the IMTP and to obtain public input on the program structure and direction.

(5) Scanning Tours

FTA plans to give continued support to the international scanning tours conducted under the FTA's Transit Cooperative Research Program managed

by the National Academy of Sciences, Transportation Research Board, whereby representatives of the U.S. domestic transit agencies travel to foreign countries to acquaint themselves with innovative technologies and solutions to transportation challenges. Similar tours could be organized for members of the business community. Moreover, FTA envisions establishing exchange programs which would bring foreign nationals to the United States, both to educate and inform the U.S. transportation industry, and to learn what the U.S. domestic industry may have to offer. This is a particularly promising venue for promoting the export of U.S. goods and services.

(6) Trade Missions

FTA could co-sponsor trade missions for various sectors of the U.S. domestic transportation industry either directly or through the auspices of other organizations such as the Commerce Department.

(7) Identification of Opportunities

FTA cannot hope to duplicate the resources of either government agencies whose principal function concerns international trade, or large international firms, when it comes to identifying overseas business opportunities. However, FTA can assist those entities in identifying domestic companies which are not yet engaged in international commerce, but could partner with the more sophisticated entities for mutual benefit. Additionally, implementation of our international agreements frequently involves discussion of technical matters that could lead to business opportunities for the U.S. domestic transportation industry.

III. Request for Comments

FTA is seeking comment on these proposed activities and expressions of interest from all stakeholders with an interest in the IMTP. After consideration of these comments, FTA will publish a final notice describing the activities to be undertaken under the IMTP.

Issued on: June 22, 1999.

Gordon J. Linton,

Administrator.

[FR Doc. 99–16357 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–1999–5857]

Information Collection Available for Public Comments and Recommendations; Notice and request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD) intentions to request approval for three years of an existing information collection entitled ''Application for Construction Reserve Fund and Annual Statements.''

DATES: Comments should be submitted on or before August 27, 1999.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, Financial Analyst, Office of Ship Financing, Maritime Administration, 400 Seventh Street, SW, Room 8122, Washington, D.C. 20590, telephone number—202–366–5744. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Application for Construction Reserve Fund and Annual Statements.

Type of Request: Approval of an existing information collection.

OMB Control Number: 2133–0032.

Form Number: NA.

Expiration Date of Approval: Three years from the date of approval.

Summary of Collection of Information: The collection consists of an application required for all citizens who own or operate vessels in the U.S. foreign or domestic commerce and desire ''tax'' benefits under the Construction Reserve Fund (CRF) program. The annual statement sets forth a detailed analysis of the status of the CRF when each income tax return is filed. Checks for withdrawals from the CRF must be sent to MARAD for countersignature.

Need and Use of the Information: The application is required in order for MARAD to determine whether the applicant is qualified for the benefits and for the applicant to obtain benefits under the CRF program. The annual statements are required from each respondent in order for MARAD to assure that the requirements of the program are being satisfied.

Description of Respondents: Citizens who own or operate vessels in the U.S., foreign, or domestic commerce.

Annual Responses: 17 responses.

Annual Burden: 153 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments maybe submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW, Washington, D.C. 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit.* Specifically, address whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., et. Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov.*

Dated: June 22, 1999.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 99–16288 Filed 6–25–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33758]

CSX Transportation, Inc.—Trackage Rights Exemption—Grand Trunk Western Railroad Incorporated

Grand Trunk Western Railroad Incorporated, a wholly owned subsidiary of Canadian National Railway Company (CN), has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT) between CN's connection with Norfolk Southern Railway Company at Ecorse Junction, MI, at or near milepost 47.0, and CN's connection with CSXT at Toledo, OH, at or near milepost 0.6, on CN's Shoreline Subdivision, a total distance of approximately 46.4 miles. CSXT shall also have the right to enter and exit this trackage at the proposed connection between CN and Consolidated Rail Corporation at Denby, MI, at or near CN's milepost 34.1, or at any connection to be mutually agreed upon by CN and CSXT.

The transaction is scheduled to be consummated on or after June 24, 1999.

The purpose of the trackage rights is to improve service to customers by reducing congestion and delay in the West Detroit, Delray, and Ecorse Junction, MI, areas.

As a condition to this exemption, any employees affected by the trackage

rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33758, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Charles M. Rosenberger, Esq., CSX Transportation, Inc., 500 Water Street, (J150), Jacksonville, FL 32202.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 21, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–16397 Filed 6–25–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Department Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date and time for the next meeting and the provisional agenda for consideration by the Committee.

DATES: The next meeting of the Treasury Advisory Committee on International Child Labor Enforcement will be held on Tuesday, July 13, 1999 at approximately 9:30 a.m. in the Secretary's large conference room, Room 3327, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW., Washington, DC. The duration of the meeting will be approximately three hours.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Under Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220. Tel.: (202) 622–0220. Final meeting details, including the meeting time, location, and agenda, can be confirmed by contacting the above number one week prior to the meeting date.

SUPPLEMENTARY INFORMATION:

Agenda

At the July 13, 1999 session, the Committee is expected to pursue the following agenda. The agenda may be modified prior to the meeting.

1. The President's June 12, 1999 Executive Order prohibiting procurement by the U.S. Government of products made with child labor
2. Legislative proposals to address such issues as the definition of prohibited child labor
3. The new ILO Convention on Child Labor
4. Other Business

The meeting is open to the public; however, participation in the Committee's deliberations is limited to private sector and ex officio Committee members and Customs and Treasury Department staff. A person other than an Advisory Committee member who wishes to attend the meeting should give advance notice by contacting Theresa Manning at (202) 622–0220, no later than July 6, 1999.

Dated: June 22, 1999.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 99–16273 Filed 6–25–99; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0061]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to ascertain that the veteran needs the requested supplies, that the supplies are reasonable for the veteran's program, and that the veteran does not already own the supplies.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 27, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0061'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Supplies, VA Form 28–1905m.

OMB Control Number: 2900–0061.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The data collected is used to ascertain that the veteran needs the requested supplies, that the supplies are reasonable for the veteran's program, and that the veteran does not already own the supplies.

Affected Public: Individuals or households, Not-for-profit institutions, Business or other for-profit, Farms.

Estimated Annual Burden: 1000 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 1000.

Dated: April 27, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–16287 Filed 6–25–99; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 64, No. 123

Monday, June 28, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41482; File No. SR-CHX-99-3]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Inc., Concerning an Increase in the BEST Rule Guarantee and the Minimum Order Acceptance Level in the MAX System

Correction

In notice document 99–15354, beginning on page 32572, in the issue of Thursday, June 17, 1999, make the following correction:

On page 32572, in the third column, the docket number is corrected to read as set forth above.

[FR Doc. C9–15354 Filed 6-25-99; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41510; File No. SR-NASD-99-21]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Creation of a Dispute Resolution Subsidiary

Correction

In notice document 99–15348, beginning on page 32575, in the issue of Thursday, June 17, 1999, make the following correction:

On page 32575, in the first column, the subject heading is corrected to read as set forth above.

[FR Doc. C9–15348 Filed 6-25-99; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Net Command Tech, Inc.; Order of Suspension of Trading

Correction

In notice document 99–15246, appearing on page 32074, in the issue of Tuesday, June 15, 1999, make the following correction:

On page 32074, in the second column, the docket number is corrected to read as set forth above.

[FR Doc. C9–15246 Filed 6-25-99; 8:45 am]

BILLING CODE 1505–01–D

federal register

Monday
June 28, 1999

Part II

The President

Executive Order 13128—Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act

Federal Register
Vol. 64, No. 123
Monday, June 28, 1999

Presidential Documents

Title 3—

The President

Executive Order 13128 of June 25, 1999

Implementation of the Chemical Weapons Convention and the Chemical Weapons Convention Implementation Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Chemical Weapons Convention Implementation Act of 1998 (as enacted in Division I of Public Law 105–277) (the Act), the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq*.), the National Emergencies Act (50 U.S.C. 1601 *et seq*.), and section 301 of title 3, United States Code, and in order to facilitate implementation of the Act and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the ''Convention''), it is hereby ordered as follows:

Section 1. The Department of State shall be the United States National Authority (the ''USNA'') for purposes of the Act and the Convention.

Sec. 2. The USNA shall coordinate the implementation of the provisions of the Act and the Convention with an interagency group consisting of the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Energy, and the heads of such other agencies or departments, or their designees, I may consider necessary or advisable.

Sec. 3. The Departments of State and Commerce, and other agencies as appropriate, each shall issue, amend, or revise regulations, orders, or directives as necessary to implement the Act and U.S. obligations under Article VI and related provisions of the Convention. Regulations under section 401(a) of the Act shall be issued by the Department of Commerce by a date specified by the USNA, which shall review and approve these regulations, in coordination with the interagency group designated in section 2 of this order, prior to their issuance.

Sec. 4. The Secretary of Commerce is authorized:

(a) to obtain and execute warrants pursuant to section 305 of the Act for the purposes of conducting inspections of facilities subject to the regulations issued by the Department of Commerce pursuant to section 3 of this order;

(b) to suspend or revoke export privileges pursuant to section 211 of the Act; and

(c) to carry out all functions with respect to proceedings under section 501(a) of the Act and to issue regulations with respect thereto, except for those functions that the Act specifies are to be performed by the Secretary of State or the USNA.

Sec. 5. The Departments of State, Defense, Commerce, and Energy, and other agencies as appropriate, are authorized to carry out, consistent with the Act and in accordance with subsequent directives, appropriate functions that are not otherwise assigned in the Act and are necessary to implement the provisions of the Convention and the Act.

Sec. 6. The Departments of State, Defense, Commerce, and Energy, and other agencies, as appropriate, are authorized to provide assistance to facilities not owned or operated by the U.S. Government, or contracted for use by or for the U.S. Government, in meeting reporting requirements and in preparing the facilities for possible inspection pursuant to the Convention.

Sec. 7. The USNA, in coordination with the interagency group designated in section 2 of this order, is authorized to determine whether disclosure of confidential business information pursuant to section 404(c) of the Act is in the national interest. Disclosure will not be permitted if contrary to national security or law enforcement needs.

Sec. 8. In order to take additional steps with respect to the proliferation of weapons of mass destruction and means of delivering them and the national emergency described and declared in Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 30, 1998, section 3 of Executive Order 12938, as amended, is amended to add a new subsection (e) to read as follows:

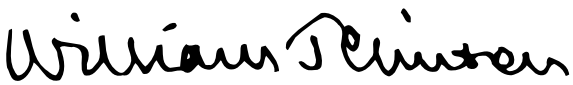
> ''(e) the Secretary of Commerce shall impose and enforce such restrictions on the importation of chemicals into the United States as may be necessary to carry out the requirements of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.''

Sec. 9. Any investigation emanating from a possible violation of this order, or of any license, order, or regulation issued pursuant to this order, involving or revealing a possible violation of 18 U.S.C. section 229 shall be referred to the Federal Bureau of Investigation (FBI), which shall coordinate with the referring agency and other appropriate agencies. The FBI shall timely notify the referring agency and other appropriate agencies of any action it takes on such referrals.

Sec. 10. Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 11. (a) This order shall take effect at 12:01 a.m. eastern daylight time, June 26, 1999.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
June 25, 1999.

[FR Doc. 99–16634
Filed 6–25–99; 1:33 pm]
Billing code 3195–01–P

Reader Aids

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1999
3 (1997 Compilation and Parts 100 and 101)	(869–038–00002–4)	20.00	[1] Jan. 1, 1999
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1999
5 Parts:			
1–699	(869–038–00004–1)	37.00	Jan. 1, 1999
700–1199	(869–038–00005–9)	27.00	Jan. 1, 1999
1200–End, 6 (6 Reserved)	(869–038–00006–7)	44.00	Jan. 1, 1999
7 Parts:			
1–26	(869–038–00007–5)	25.00	Jan. 1, 1999
27–52	(869–038–00008–3)	32.00	Jan. 1, 1999
53–209	(869–038–00009–1)	20.00	Jan. 1, 1999
210–299	(869–038–00010–5)	47.00	Jan. 1, 1999
300–399	(869–038–00011–3)	25.00	Jan. 1, 1999
400–699	(869–038–00012–1)	37.00	Jan. 1, 1999
700–899	(869–038–00013–0)	32.00	Jan. 1, 1999
900–999	(869–038–00014–8)	41.00	Jan. 1, 1999
1000–1199	(869–038–00015–6)	46.00	Jan. 1, 1999
1200–1599	(869–038–00016–4)	34.00	Jan. 1, 1999
1600–1899	(869–038–00017–2)	55.00	Jan. 1, 1999
1900–1939	(869–038–00018–1)	19.00	Jan. 1, 1999
1940–1949	(869–038–00019–9)	34.00	Jan. 1, 1999
1950–1999	(869–038–00020–2)	41.00	Jan. 1, 1999
2000–End	(869–038–00021–1)	27.00	Jan. 1, 1999
8	(869–038–00022–9)	36.00	Jan. 1, 1999
9 Parts:			
1–199	(869–038–00023–7)	42.00	Jan. 1, 1999
200–End	(869–038–00024–5)	37.00	Jan. 1, 1999
10 Parts:			
1–50	(869–038–00025–3)	42.00	Jan. 1, 1999
51–199	(869–038–00026–1)	34.00	Jan. 1, 1999
200–499	(869–038–00027–0)	33.00	Jan. 1, 1999
500–End	(869–038–00028–8)	43.00	Jan. 1, 1999
11	(869–038–0002–6)	20.00	Jan. 1, 1999
12 Parts:			
1–199	(869–038–00030–0)	17.00	Jan. 1, 1999
200–219	(869–038–00031–8)	20.00	Jan. 1, 1999
220–299	(869–038–00032–6)	40.00	Jan. 1, 1999
300–499	(869–038–00033–4)	25.00	Jan. 1, 1999
500–599	(869–038–00034–2)	24.00	Jan. 1, 1999
600–End	(869–038–00035–1)	45.00	Jan. 1, 1999
13	(869–038–00036–9)	25.00	Jan. 1, 1999
14 Parts:			
1–59	(869–038–00037–7)	50.00	Jan. 1, 1999
60–139	(869–038–00038–5)	42.00	Jan. 1, 1999
140–199	(869–038–00039–3)	17.00	Jan. 1, 1999
200–1199	(869–038–00040–7)	28.00	Jan. 1, 1999
1200–End	(869–038–00041–5)	24.00	Jan. 1, 1999
15 Parts:			
0–299	(869–038–00042–3)	25.00	Jan. 1, 1999
300–799	(869–038–00043–1)	36.00	Jan. 1, 1999
800–End	(869–038–00044–0)	24.00	Jan. 1, 1999
16 Parts:			
0–999	(869–038–00045–8)	32.00	Jan. 1, 1999
1000–End	(869–038–00046–6)	37.00	Jan. 1, 1999
17 Parts:			
1–199	(869–038–00048–2)	29.00	Apr. 1, 1999
200–239	(869–038–00049–1)	34.00	Apr. 1, 1999
240–End	(869–034–00050–9)	40.00	Apr. 1, 1998
18 Parts:			
1–399	(869–038–00051–2)	48.00	Apr. 1, 1999
*400–End	(869–038–00052–1)	14.00	Apr. 1, 1999
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
141–199	(869–038–00054–7)	36.00	Apr. 1, 1999
200–End	(869–034–00055–0)	15.00	Apr. 1, 1998
20 Parts:			
1–399	(869–0348–00056–8)	29.00	Apr. 1, 1998
400–499	(869–038–00057–1)	51.00	Apr. 1, 1999
500–End	(869–038–00058–0)	44.00	[7] Apr. 1, 1999
21 Parts:			
1–99	(869–034–00059–2)	21.00	Apr. 1, 1998
100–169	(869–034–00060–6)	27.00	Apr. 1, 1998
*170–199	(869–038–00061–0)	29.00	Apr. 1, 1999
200–299	(869–034–00062–2)	9.00	Apr. 1, 1998
300–499	(869–034–00063–1)	50.00	Apr. 1, 1998
500–599	(869–034–00064–9)	28.00	Apr. 1, 1998
600–799	(869–034–00065–7)	9.00	Apr. 1, 1998
800–1299	(869–034–00066–5)	32.00	Apr. 1, 1998
1300–End	(869–038–00067–9)	14.00	Apr. 1, 1999
22 Parts:			
1–299	(869–038–00068–7)	44.00	Apr. 1, 1999
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
***23**	(869–038–00070–9)	27.00	Apr. 1, 1999
24 Parts:			
0–199	(869–034–00071–1)	32.00	Apr. 1, 1998
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
500–699	(869–038–00073–3)	18.00	Apr. 1, 1999
700–1699	(869–038–00074–1)	40.00	Apr. 1, 1999
1700–End	(869–034–00075–4)	17.00	Apr. 1, 1998
25	(869–034–00076–2)	42.00	Apr. 1, 1998
26 Parts:			
§§ 1.0-1–1.60	(869–034–00077–1)	26.00	Apr. 1, 1998
§§ 1.61–1.169	(869–034–00078–9)	48.00	Apr. 1, 1998
§§ 1.170–1.300	(869–034–00079–7)	31.00	Apr. 1, 1998
§§ 1.301–1.400	(869–034–00080–1)	23.00	Apr. 1, 1998
§§ 1.401–1.440	(869–034–00081–9)	39.00	Apr. 1, 1998
§§ 1.441-1.500	(869-034-00082-7)	29.00	Apr. 1, 1998
§§ 1.501–1.640	(869–038–00083–1)	27.00	[7] Apr. 1, 1999
§§ 1.641–1.850	(869–034–00084–3)	32.00	Apr. 1, 1998
§§ 1.851–1.907	(869–034–00085–1)	36.00	Apr. 1, 1998
§§ 1.908–1.1000	(869–034–00086–0)	35.00	Apr. 1, 1998
§§ 1.1001–1.1400	(869–038–00087–3)	40.00	Apr. 1, 1999
§§ 1.1401–End	(869–034–00088–6)	51.00	Apr. 1, 1998
2–29	(869–034–00089–4)	36.00	Apr. 1, 1998
30–39	(869–034–00090–8)	25.00	Apr. 1, 1998
40–49	(869–034–00091–6)	16.00	Apr. 1, 1998
50–299	(869–034–00092–4)	19.00	Apr. 1, 1998
300–499	(869–038–00093–8)	37.00	Apr. 1, 1999
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
*600–End	(869–038–00095–4)	11.00	Apr. 1, 1999
27 Parts:			
1–199	(869–034–00096–7)	49.00	Apr. 1, 1998

Title	Stock Number	Price	Revision Date
200–End	(869–034–00097–5)	17.00	[6] Apr. 1, 1998
28 Parts:			
0-42	(869–034–00098–3)	36.00	July 1, 1998
43-end	(869-034-00099-1)	30.00	July 1, 1998
29 Parts:			
0–99	(869–034–00100–9)	26.00	July 1, 1998
100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
1910 (§§ 1910.1000 to end)	(869–034–00105–0)	27.00	July 1, 1998
1911–1925	(869–034–00106–8)	17.00	July 1, 1998
1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
30 Parts:			
1–199	(869–034–00109–2)	33.00	July 1, 1998
200–699	(869–034–00110–6)	29.00	July 1, 1998
700–End	(869–034–00111–4)	33.00	July 1, 1998
31 Parts:			
0–199	(869–034–00112–2)	20.00	July 1, 1998
200–End	(869–034–00113–1)	46.00	July 1, 1998
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–034–00114–9)	47.00	July 1, 1998
191–399	(869–034–00115–7)	51.00	July 1, 1998
400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–034–00117–3)	22.00	[4] July 1, 1998
700–799	(869–034–00118–1)	26.00	July 1, 1998
800–End	(869–034–00119–0)	27.00	July 1, 1998
33 Parts:			
1–124	(869–034–00120–3)	29.00	July 1, 1998
125–199	(869–034–00121–1)	38.00	July 1, 1998
200–End	(869–034–00122–0)	30.00	July 1, 1998
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–034–00124–6)	25.00	July 1, 1998
400–End	(869–034–00125–4)	44.00	July 1, 1998
35	(869–034–00126–2)	14.00	July 1, 1998
36 Parts			
1–199	(869–034–00127–1)	20.00	July 1, 1998
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–7)	35.00	July 1, 1998
37	(869–034–00130–1)	27.00	July 1, 1998
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–034–00132–7)	39.00	July 1, 1998
39	(869–034–00133–5)	23.00	July 1, 1998
40 Parts:			
1–49	(869–034–00134–3)	31.00	July 1, 1998
50–51	(869–034–00135–1)	24.00	July 1, 1998
52 (52.01–52.1018)	(869–034–00136–0)	28.00	July 1, 1998
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–034–00139–4)	53.00	July 1, 1998
61–62	(869–034–00140–8)	18.00	July 1, 1998
63	(869–034–00141–6)	57.00	July 1, 1998
64–71	(869–034–00142–4)	11.00	July 1, 1998
72–80	(869–034–00143–2)	36.00	July 1, 1998
81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87-135	(869–034–00146–7)	47.00	July 1, 1998
136–149	(869–034–00147–5)	37.00	July 1, 1998
150–189	(869–034–00148–3)	34.00	July 1, 1998
190–259	(869–034–00149–1)	23.00	July 1, 1998
260–265	(869–034–00150–9)	29.00	July 1, 1998
266–299	(869–034–00151–3)	33.00	July 1, 1998
300–399	(869–034–00152–1)	26.00	July 1, 1998
400–424	(869–034–00153–0)	33.00	July 1, 1998
425–699	(869–034–00154–8)	42.00	July 1, 1998
700–789	(869–034–00155–6)	41.00	July 1, 1998
790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–034–00157–2)	13.00	July 1, 1998
101	(869–034–00158–1)	37.00	July 1, 1998
102–200	(869–034–00158–9)	15.00	July 1, 1998
201–End	(869–034–00160–2)	13.00	July 1, 1998
42 Parts:			
1–399	(869–034–00161–1)	34.00	Oct. 1, 1998
400–429	(869–034–00162–9)	41.00	Oct. 1, 1998
430–End	(869–034–00163–7)	51.00	Oct. 1, 1998
43 Parts:			
1–999	(869–034–00164–5)	30.00	Oct. 1, 1998
1000–end	(869–034–00165–3)	48.00	Oct. 1, 1998
44	(869–034–00166–1)	48.00	Oct. 1, 1998
45 Parts:			
1–199	(869–034–00167–0)	30.00	Oct. 1, 1998
200–499	(869–034–00168–8)	18.00	Oct. 1, 1998
500–1199	(869–034–00169–6)	29.00	Oct. 1, 1998
1200–End	(869–034–00170–0)	39.00	Oct. 1, 1998
46 Parts:			
1–40	(869–034–00171–8)	26.00	Oct. 1, 1998
41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
70–89	(869–034–00173–4)	8.00	Oct. 1, 1998
90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
500–End	(869–034–00179–3)	16.00	Oct. 1, 1998
47 Parts:			
0–19	(869–034–00180–7)	36.00	Oct. 1, 1998
20–39	(869–034–00181–5)	27.00	Oct. 1, 1998
40–69	(869–034–00182–3)	24.00	Oct. 1, 1998
70–79	(869–034–00183–1)	37.00	Oct. 1, 1998
80–End	(869–034–00184–0)	40.00	Oct. 1, 1998
48 Chapters:			
1 (Parts 1–51)	(869–034–00185–8)	51.00	Oct. 1, 1998
1 (Parts 52–99)	(869–034–00186–6)	29.00	Oct. 1, 1998
2 (Parts 201–299)	(869–034–00187–4)	34.00	Oct. 1, 1998
3–6	(869–034–00188–2)	29.00	Oct. 1, 1998
7–14	(869–034–00189–1)	32.00	Oct. 1, 1998
15–28	(869–034–00190–4)	33.00	Oct. 1, 1998
29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
49 Parts:			
1–99	(869–034–00192–1)	31.00	Oct. 1, 1998
100–185	(869–034–00193–9)	50.00	Oct. 1, 1998
186–199	(869–034–00194–7)	11.00	Oct. 1, 1998
200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–034–00196–3)	54.00	Oct. 1, 1998
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
1–199	(869–034–00199–8)	42.00	Oct. 1, 1998
200–599	(869–034–00200–5)	22.00	Oct. 1, 1998
600–End	(869–034–00201–3)	33.00	Oct. 1, 1998

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–034–00049–6)	46.00	Jan. 1, 1998
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1997, through April 1, 1998. The CFR volume issued as of April 1, 1997, should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.