6–7–99
Vol. 64 No. 108
Pages 30213–30378

federal register

Monday
June 7, 1999

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 64 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Printed on recycled paper.

Contents

Federal Register

Vol. 64, No. 108

Monday, June 7, 1999

Agricultural Marketing Service
RULES
Cherries (tart) grown in—
Michigan et al., 30229–30232
Cotton research and promotion order:
Imported cotton and cotton content of imported products; supplemental assessment calculation, 30236–30241
Raisins produced from grapes grown in—
California, 30233–30236
PROPOSED RULES
Milk marketing orders:
Nebraska-Western Iowa, 30256–30257
Nectarines and peaches grown in—
California, 30252–30256

Agricultural Research Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 30298–30299

Agriculture Department
See Agricultural Marketing Service
See Agricultural Research Service
See Animal and Plant Health Inspection Service
See Federal Crop Insurance Corporation
See Food Safety and Inspection Service
See Forest Service
NOTICES
Committees; establishment, renewal, termination, etc.:
Agricultural Biotechnology Advisory Committee, 30297–30298

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Mediterranean fruit fly, 30213–30214
PROPOSED RULES
Animal welfare:
Dogs and cats; acclimation certificates, 30257–30259
Plant-related quarantine, domestic:
Fire ant, imported, 30250–30252

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Human immunodeficiency virus (HIV)—
Effective behavioral interventions; technology translation and transfer, 30332–30335
HIV/AIDS and STD prevention through use of behavioral data in programmatic decision making, 30335–30339

Children and Families Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 30339

Coast Guard
RULES
Ports and waterways safety:
Boston Harbor, MA; safety zone, 30242–30243
Marblehead, MA to Halifax, Nova Scotia; safety zone, 30243–30244
PROPOSED RULES
Ports and waterways safety:
Raritan River, NJ; safety zone, 30274–30276
Regattas and marine parades:
Charleston Harbor Grand Prix, 30273–30274
NOTICES
Committees; establishment, renewal, termination, etc.:
Lower Mississippi River Waterway Safety Advisory Committee, 30369–30370

Commerce Department
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Senior Executive Service:
Performance Review Board; membership, 30322

Consumer Product Safety Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 30322–30323
Steel electricians' fish tapes; ban, or strict warnings and instructions requirements, 30323

Defense Department
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Submission for OMB review; comment request, 30323

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Arenol Corp., 30358
Chattem Chemicals, Inc., 30359
Radian International LLC, 30359–30360

Education Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 30324

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 30276–30287
NOTICES
Meetings:
Drinking water issues—
Municipal wells in Florida; Federal underground injection control; stakeholders, 30325–30326

Export Administration Bureau
NOTICES
Meetings:
President's Export Council, 30304

Federal Aviation Administration
RULES
Class E airspace, 30241–30242
PROPOSED RULES
Class D airspace, 30259–30260
Class E airspace, 30260–30261
Low offshore airspace areas, 30261–30263
NOTICES
Advisory circulars; availability, etc.:
Digital communication systems use; air carrier operational approval, 30370
Exemption petitions; summary and disposition, 30370–30372
Meetings:
RTCA, Inc., 30372

Federal Communications Commission
PROPOSED RULES
Common carrier services, etc.:
Agency competitive bidding authority, 30288
Radio stations; table of assignments:
California, 30290–30296
Georgia, 30294
Hawaii, 30288–30292
Idaho, 30293
Louisiana, 30292–30293

Federal Crop Insurance Corporation
RULES
Crop insurance regulations:
Group risk plan of insurance; 2000 and succeeding crop years, 30214–30229

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 30326–30327
Meetings; Sunshine Act, 30327

Federal Emergency Management Agency
NOTICES
Radiological emergency; State response plans:
Washington, 30327

Federal Energy Regulatory Commission
NOTICES
Meetings:
Oil and natural gas sector; Year 2000 issues; technical conference, 30325
Applications, hearings, determinations, etc.:
New England Power Co. et al., 30324
Western Massachusetts Electric Co. et al., 30324–30325

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
Emergency relief program, 30263–30267
NOTICES
Environmental statements; notice of intent:
Pierce County, WA, 30372–30373

Federal Housing Finance Board
NOTICES
Federal home loan bank system:
Financial management and mission achievement requirements; staff framework document, 30328

Federal Maritime Commission
RULES
Maritime carriers in foreign commerce:
United States/Japan trade; port restrictions and requirements, 30245–30248

Federal Trade Commission
NOTICES
Prohibited trade practices:
Federated Department Stores, Inc., 30328–30329
Kroger Co. et al., 30329–30332

Federal Transit Administration
NOTICES
Environmental statements; notice of intent:
Minneapolis and St. Cloud, MN; Northstar Corridor project, 30373–30374

Food and Drug Administration
NOTICES
Meetings:
Medical Devices Advisory Committee, 30339–30340

Food Safety and Inspection Service
NOTICES
Meat and poultry inspection:
Australia's meat safety enhancement program; slaughter inspection in establishments that slaughter meat for export to United States, 30299–30303

Forest Service
NOTICES
Environmental statements; notice of intent:
Beaverhead-Deerlodge National Forest, MT, 30303–30304

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Submission for OMB review; comment request, 30323

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 30340–30341

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 30352–30353

Interior Department
See Land Management Bureau

See Minerals Management Service
See National Park Service
See Reclamation Bureau

International Trade Administration
NOTICES
Antidumping:
Chrome-plated lug nuts from—
Taiwan, 30306
Circular welded carbon steel pipes and tubes from—
Taiwan, 30306–30309
Iron construction castings from—
Various countries, 30310–30313
Antidumping and countervailing duties:
Five-year (sunset) reviews—
Final results and revocations, 30305
Porcelain-on-steel cooking ware, etc., from—
Various countries, 30305–30306
Countervailing duties:
Heavy iron construction castings from—
Brazil, 30313–30316
Iron metal castings from—
India, 30316–30320
North American Free Trade Agreement (NAFTA); binational panel reviews:
Porcelain-on-steel cookware from—
Mexico, 30320–30321

International Trade Commission
NOTICES
Import investigations:
Bulk acetylsalicylic acid (aspirin) from—
China, 30355–30356
Enhanced DRAM devices containing embedded cache memory registers, components, and products containing same, 30356–30357
Potassium chloride (potash) from—
Canada, 30357
Solid urea, etc., from—
Various countries, 30358
Standard chrysanthemums, etc., from—
Various countries, 30358

Justice Department
See Drug Enforcement Administration

Labor Department
See Pension and Welfare Benefits Administration

Land Management Bureau
NOTICES
Environmental statements; notice of intent:
Beaverhead-Deerlodge National Forest, MT, 30303–30304
Josephine and Curry Counties, OR; watershed projects, 30353
Survey plat filings:
Montana, 30354

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 30367–30368

Maritime Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 30374–30375

Minerals Management Service
PROPOSED RULES
Federal regulatory review; request for comments, 30267–30273

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Submission for OMB review; comment request, 30323

National Archives and Records Administration
PROPOSED RULES
Records management:
Agency records centers; storage standard update
Meeting and comment period extension, 30276

National Institutes of Health
NOTICES
Grants and cooperative agreements; availability, etc.:
National Institute of Diabetes and Digestive and Kidney Diseases—
Weight loss; health outcomes; study, 30341–30342
Inventions, Government-owned; availability for licensing, 30342–30347
Meetings:
National Cancer Institute, 30347–30348
National Institute of Neurological Disorders and Stroke, 30348
Patent licenses; non-exclusive, exclusive, or partially exclusive:
AlbaPharm, Inc., 30348–30350

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic highly migratory species—
Large coastal shark, 30248–30249
NOTICES
Meetings:
International Commission for Conservation of Atlantic Tunas, U.S. Section Advisory Committee, 30321
Sea Grant Review Panel, 30321–30322

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 30354
Native American human remains and associated funerary objects:
Bandelier National Monument, Los Alamos, NM; projectile points; correction, 30354–30355

Pension and Welfare Benefits Administration
NOTICES
Employee benefit plans; prohibited transaction exemptions:
Bankers Trust Co. et al., 30360–30367

Personnel Management Office
NOTICES
Personnel management demonstration projects:
Army Department—
U.S. Army Medical Research and Materiel Command, Fort Detrick, MD, 30377–30378

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration

See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Reclamation Bureau
NOTICES
Meetings:
Trinity River Basin Fish and Wildlife Task Force, 30355

Small Business Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 30368–30369
Disaster loan areas:
Colorado, 30369

Social Security Administration
NOTICES
Organization, functions, and authority delegations:
Deputy Commissioner for Systems, 30369

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Homeless families; women with psychiatric, substance use, or co-occurring disorders and their dependent children, 30350–30352

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
Burlington Northern & Santa Fe Railway Co., 30375

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
See Maritime Administration
See Surface Transportation Board

United States Information Agency
NOTICES
Art objects; importation for exhibition:
Discovering the Secrets of Soft Paste Porcelain in the Saint Cloud Manufactory (1690-1766), 30375

Veterans Affairs Department
RULES
Adjudication; pensions, compensation, dependency, etc.:
Terminated marital relationships; reinstatement of benefits eligibility, 30244–30245
Organization, functions, and authority delegations:
National Cemetery Administration, 30244

Separate Parts In This Issue

Part II
Office of Personnel Management, 30377–30378

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301.....30213
407.....30214
930.....30229
989.....30233
1205.....30236
Proposed Rules:
301.....30250
916.....30252
917.....30252
1065.....30256

9 CFR
Proposed Rules:
3.....30257

14 CFR
71.....30241
Proposed Rules:
71 (3 documents) 30259, 30260, 30261

23 CFR
Proposed Rules:
668.....30263

30 CFR
Proposed Rules:
Ch. II.....30267

33 CFR
165 (2 documents) 30242, 30243
Proposed Rules:
100.....30273
165.....30274

36 CFR
Proposed Rules:
1228.....30276

38 CFR
Ch. I.....30244
3.....30244

40 CFR
Proposed Rules:
52.....30276

46 CFR
551.....30245

47 CFR
Proposed Rules:
1.....30288
22.....30288
24.....30288
26.....30288
27.....30288
73 (21 documents) 30288, 30289, 30290, 30291, 30292, 30293, 30294, 30295, 30296
74.....30288
80.....30288
87.....30288
90.....30288
95.....30288
97.....30288
101.....30288

50 CFR
635.....30248

Rules and Regulations

Federal Register
Vol. 64, No. 108
Monday, June 7, 1999

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98–083–4]

Mediterranean Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mediterranean fruit fly regulations by removing the quarantined area in San Diego County, CA, from the list of quarantined areas. The quarantine was necessary to prevent the spread of the Mediterranean fruit fly to noninfested areas of the United States. We have determined that the Mediterranean fruit fly has been eradicated from this area and that restrictions on the interstate movement of regulated articles from this area are no longer necessary. This action relieves unnecessary restrictions on the interstate movement of regulated articles from this area.

DATES: This interim rule is effective as of June 1, 1999. We invite you to comment on this docket. We will consider all comments that we receive by August 6, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–083–4, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 98–083–4.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247; or e-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

The Mediterranean fruit fly regulations (contained in 7 CFR 301.78 through 301.78–10 and referred to below as the regulations) restrict the movement of regulated articles from quarantined areas to prevent the spread of Medfly to noninfested areas of the United States. Since an initial finding of Medfly infestation in a portion of San Diego County, CA, in August 1998, the quarantined areas in California have included portions of Orange, Riverside, and San Diego Counties.

In an interim rule effective August 13, 1998, and published in the **Federal Register** on August 20, 1998 (63 FR 44539–44541, Docket No. 98–083–1), we added a portion of San Diego County, CA, to the list of quarantined areas. In a second interim rule effective August 14, 1998, and published in the **Federal Register** on August 21, 1998 (63 FR 44774–44776, Docket No. 98–083–2), we added a portion of Orange County, CA, to the list of quarantined areas. In a third interim rule effective November 24, 1998, and published in the **Federal Register** on December 1, 1998 (63 FR 65999–66001, Docket No. 98–083–3), we added an area in Riverside and Orange Counties, CA, to the list of quarantined areas.

We have determined, based on trapping surveys conducted by the Animal and Plant Health Inspection Service (APHIS) and California State and county agency inspectors, that the Medfly has been eradicated from the quarantined area in San Diego County, CA. The last finding of Medfly thought to be associated with the infestation in that portion of San Diego County, CA, was August 3, 1998. Since that time, no evidence of infestation has been found in this area. We are, therefore, removing that portion of San Diego County, CA, from the list of areas in § 301.78–3(c) quarantined because of the Medfly. Portions of Orange and Riverside Counties remain quarantined.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. The portion of San Diego County, CA, affected by this document was quarantined to prevent the Medfly from spreading to noninfested areas of the United States. Because the Medfly has been eradicated from this area, and because the continued quarantined status of that portion of San Diego County, CA, would impose unnecessary regulatory restrictions on the public, immediate action is warranted to relieve restrictions.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective June 1, 1999. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget

has waived its review process required by Executive Order 12866.

This interim rule amends the Medfly regulations by removing a portion of San Diego County, CA, from quarantine for Medfly. This action affects the interstate movement of regulated articles from this area. We estimate that there are 26 entities in the quarantined area of San Diego County, CA, that sell, process, handle, or move regulated articles; this estimate includes 18 fruit sellers and 8 nurseries. The number of these entities that meet the U.S. Small Business Administration's (SBA) definition of a small entity is unknown, since the information needed to make that determination (i.e., each entity's gross receipts or number of employees) is not currently available. However, it is reasonable to assume that most of the 26 entities are small in size, since the overwhelming majority of businesses in California, as well as the rest of the United States, are small entities by SBA standards.

The effect of this action on small entities should be minimally positive, as they will no longer be required to treat articles to be moved interstate for Medfly.

Therefore, termination of the quarantine of that portion of San Diego County, CA, should have a minimal economic effect on the small entities operating in this area. We anticipate that the economic impact of lifting the quarantine, though positive, will be no more significant than was the minimal impact of its imposition.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.78–3 [Amended]

2. In § 301.78–3, paragraph (c), the entry for California is amended by removing the entry for San Diego County.

Done in Washington, DC, this 1st day of June 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–14304 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 407

RIN 0563–AB06

Group Risk Plan of Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes the Group Risk Plan of Insurance Common Policy Basic Provisions and Crop Provisions for Barley, Corn, Cotton, Forage, Sorghum, Peanuts, Soybeans, and Wheat, to add regulations to provide for the operation of an alternative risk management tool to be known as the Group Risk Plan of Insurance (GRP). This plan will insure against the widespread loss of production of certain crops in a county. It is intended primarily for use by those producers whose yields tend to follow the county average yield. GRP pays only when the average yield of the entire county drops below the expected county yield for the insured crop as set by FCIC. Payment is based on the percentage of decline in a county or area wide yield below the insured's trigger yield. The insured need not have a loss to collect an indemnity. Alternately, the insured may have a loss and not collect an indemnity.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: William Klein, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by OMB.

Cost-Benefit Analysis

A Cost-Benefit Analysis has been completed and is available to interested persons at the address listed above. In summary, the analysis finds that the expected benefits of this action outweighs the costs. Clarification of the provisions and administrative changes that simplify program operations will benefit producers, FCIC, and insurance providers.

Paperwork Reduction Act of 1995

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have previously been approved by the Office of Management and Budget (OMB) under control number 0563–0053 through April 30, 2001. This rule will replace the pilot Group Risk Plan of Insurance Common Policy Basic Provisions and the crop provisions for Barley, Corn, Cotton, Forage, Sorghum, Peanuts, Soybeans, and Wheat. Therefore, the amendment set forth in this rule does not revise the content or alter the frequency of the information collection cleared under the above referenced docket.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995, (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of Title II of UMRA) for

State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. The effect of this regulation on small entities will be no greater than on larger entities. Under the GRP program, an insured is required to complete an application and an acreage report. Neither a notice of loss nor a claim for indemnity are required, since a loss is based on the county average yield falling below the expected county yield.

The amount of work required of the insurance companies and representatives of FCIC delivering and servicing these policies will not increase from the amount of work currently required to deliver previous policies to which this regulation applies. In fact, this action reduces the paperwork burden and there is a lessor impact on the insured and the reinsured company because the yield is based on National Agricultural Statistics Service (NASS) yields rather than individual insured's yields. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule had been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before action for judicial review of any determination made by FCIC may be brought.

Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

Background

On Tuesday, October 8, 1996, FCIC published a proposed rule in the **Federal Register** at 61 FR 52717–52727 to add a new part 407 to chapter IV of title 7 of the Code of Federal Regulations, Group Risk Plan of Insurance Common Policy Basic Provisions and Crop Provisions for Barley, Corn, Cotton, Forage, Sorghum, Peanuts, Soybeans, and Wheat. The new provisions will be effective for the 2000 and succeeding crop years for the Group Risk Plan of Insurance Common Policy Basic Provisions and Crop Provisions for Barley, Corn, Cotton, Forage, Sorghum, Peanuts, Soybeans, and Wheat Crop Provisions. These provisions will replace the pilot program provisions currently in effect for the 1999 crop year.

Following publication of the proposed rule, the public was afforded 45 days to submit written comments and opinions. A total of 45 comments were received from reinsured companies, an insurance service organization, and a producer. The comments received and FCIC's responses are as follows:

Comment: One commenter from a reinsured company recommended that GRP either remain a pilot program for further evaluation ''since it has not yet shown itself to be a success'' or that it be eliminated. The commenter cited no participation for GRP barley, minimal participation for GRP cotton, sorghum, peanuts, and wheat, and moderate interest in corn and soybeans, particularly in the Midwestern states of Iowa, Indiana, Minnesota, and Wisconsin. The commenter further noted that participation had decreased for both corn and soybeans between 1995 and 1996, but did acknowledge that participation in forage production had increased.

Response: While participation may be low for specific GRP programs in some areas, net acres insured grew by 32 percent and total premium grew 40 percent between 1995 and 1996. Wheat acreage, for example, increased by 300 percent and total wheat premium increased 370 percent. These statistics indicate a growing GRP program rather than one in decline. FCIC believes that participation can be significantly increased by additional changes. First, if CAT coverage is extended to all GRP crops, significant increases in participation, similar to what occurred with GRP forage in 1997, could occur. Secondly, there is evidence that agents have received limited information about the product. At recent meetings sponsored by the National Association of Professional Agents in Iowa and Minnesota, and attended by FCIC personnel, numerous agents stated that they had not been informed of the benefits of the GRP program. FCIC expects increased participation in GRP insurance programs in the future due to increased publicity, increased agent and producer awareness of the product, and perhaps expansion of CAT coverage. Therefore, FCIC will proceed with GRP as a risk management tool.

Comment: A reinsured company commented that CAT coverage and expansion of the Crop Revenue Coverage (CRC) and Income Protection (IP) programs may attract producers that might otherwise be interested in GRP. Secondly, expanding GRP only adds to the confusion introduced by several plans of coverage and adds expenses at a time when it is imperative to simplify and reduce expenses.

Response: New crop insurance programs, which includes Revenue Insurance, are providing necessary new risk management protection for producers, since no single insurance product meets the needs of all producers. Further, offering a variety of insurance products should significantly increase participation. Also, expanding GRP should not add to the confusion, add more expenses, or increase complexity. In fact, of all the insurance products available, GRP is the simplest, least costly to administer, and provides potentially greater protection for producers at a significantly reduced premium.

Comment: An insurance service organization questioned the need for the language in § 407.2 (b) which states that the contract ''* * * may be offered directly to producers through agents of the Farm Service Agency (FSA).''

Response: The provision actually states that the contract may be offered ''directly to producers through agents of the United States Department of Agriculture.'' This language is required as a fall back position if coverage in some areas is not available through the private sector.

Comment: An insurance service organization questioned language in § 407.2(c) that prohibits more than one insurance policy for a person on the same crop, county and crop year, unless approved in writing by FCIC. The commenter asks whether ''insurance policy'' refers to GRP, or to other multiple peril crop insurance policies (MPCI) as well, and if so, under what circumstances would multiple policies be acceptable.

Response: This provision applies to all federally approved crop insurance policies including MPCI and GRP. Since both the MPCI policy and the GRP policy require that all acreage of the insured crop in the county be insured under the same policy (except high risk land) the producer is prohibited from obtaining both MPCI coverage and GRP coverage on the same crop in the county.

Comment: An insurance service organization asked if a reinsured company representative is included in the language in §§ 407.6(a)(1) and (a)(2)(i) ''an agent or employee of the Corporation.''

Response: This provision was intended to distinguish between agents and employees of FCIC and agents and employees of the reinsured company. For clarification, FCIC has amended the language in the sections cited above from ''agent or employee of the Corporation'' to ''a representative of a reinsured company or FCIC.''

Comment: One commenter from an insurance service organization recommended moving the last phrase of § 407.6(a)(2)(iii), ''* * * such insured shall be granted relief the same as if otherwise entitled thereto,'' to a separate finishing paragraph (a)(3) and moving ''whenever'' from § 407.6(a) to the beginning of § 407.6(a)(1).

Response: FCIC agrees that the above cited phrase is clearer as a separate paragraph and has accordingly redesignated it as § 407.6(a)(3). The word ''whenever'' applies to all the conditions and, therefore, must remain at § 407.6(a).

Comment: One commenter from an insurance service organization expressed concern that the language in § 407.6 (b) and (c) does not appear to provide a level playing field since reinsured companies are held liable for unauthorized acts of their agents, but apparently no one pays for FCIC agent errors except the taxpayers.

Response: Under the terms of the Standard Reinsurance Agreement, reinsured companies are responsible for any error or omission on the part of their agents, loss adjusters, or other contractors. This provision simply ensures that such responsibility is not waived by this rule. The Government's oversight bodies ensure that FCIC's employees or agents are held accountable for their acts of omission.

Comment: One commenter from an insurance service organization expressed concern over the apparent contradiction between §§ 407.6 and 407.7. Section 407.6(c) indicates that companies may grant relief based on arbitration, but § 407.7 states that any exceptions under § 407.6 will be ''at the sole discretion of the Corporation.''

Response: The language in § 407.7 is not intended to involve FCIC in the arbitration process between the company and insureds. However, arbitration may not change the terms of the contract. Therefore the language, ''at the sole discretion of the Corporation,'' remains in § 407.7.

Comment: An insurance service organization commented that using the term ''person'' in § 407.8 (a), instead of ''entity'' to include more than individuals can lead to confusion. They believe the term could suggest that no group entities may be insured.

Response: The term ''person'' is defined in the Common Crop Insurance Policy, Group Risk Plan of Insurance Common Policy, and other policies insured by or approved by the Corporation. It appropriately encompasses an individual, a partnership, an association, a corporation, an estate, a trust, or other legal entity. Therefore, no change has been made in the term or its use.

Comment: An insurance service organization recommended simplifying the language in the last sentence in § 407.8(a) as follows: ''The application must be submitted to the insurance provider on or before the applicable sales closing date on file in the insurance provider's local office.''

Response: FCIC agrees with the recommendation and has modified the language accordingly.

Comment: One comment from an insurance service organization addressed extension of sales closing dates and cessation of sales due to adverse conditions. The commenter expressed concern over the timeliness of such notification and the vehicle by which it would be made.

Response: The Manager of FCIC has the authority to extend fall sales closing dates, and suspend sales under § 407.8 (b). Once a decision is made, electronic notification will be made to companies as soon as possible. In addition, FCIC will place a notice of the extended date in the **Federal Register**. Therefore, the provisions in § 407.8(b) will remain.

Comment: Several comments were received from insurance service organizations questioning the name, inclusion, and use of the GRP Disclaimer. One commenter suggested renaming the form, ''Acknowledgment of Differences'' because ''disclaimer'' suggested the need to bring flaws to the policyholder's attention. Another suggested removing the disclaimer or using one generic form. This commenter explained that § 407.8(c) was too detailed, that the disclaimer was not part of the application, and that GRP will no longer be a pilot program or ''new and different.'' Another commenter questioned why the disclaimer was not listed as part of the policy in § 407.9.

Response: FCIC agrees that the name, ''Acknowledgment of Differences,'' is more positive and has changed the form name accordingly. FCIC disagrees, however, that the form reference should be removed from § 407.8(c). A single generic disclaimer, as suggested, is provided as an exhibit in the revised crop year GRP procedure. The form is needed for clarity. GRP is different from other insurance programs in that an indemnity is triggered by a loss in the county and not by an individual's loss. It is imperative that insureds understand that they can sustain a loss on their crop and still not be indemnified if the county loss does not trigger an indemnity. This acknowledgment is not part of the policy as described in § 407.9. It does not add to or vary the terms of the policy. It merely highlights for the insured how the GRP risk management tool differs from traditional crop insurance. Therefore, the suggestion to list the disclaimer as part of the policy has not been adopted.

Comment: An insurance service organization asked whether the Proposed Rule for 1998 GRP Barley and Wheat crop provisions contains the same language as those currently in effect for the 1997 crop year. If the language is the same, they questioned whether the 1997 crop provisions would remain in effect for the 1998 crop year, or would new 1998 provisions be issued.

Response: On October 8, 1996, when GRP was published as a proposed rule, these crop provisions contained the same language as the 1997 GRP Barley and Wheat pilot program crop

provisions sent out prior to June 30, 1997. The 1997 GRP Barley and Wheat pilot program crop provisions remain in effect for the 1998 and 1999 crop years because the June 30 contract change date passed prior to final rule publication. Consequently, these Crop Provisions, set out in this final rule, will be effective for the 2000 crop year and will be issued following final rule publication. These Crop Provisions include language changes from the 1999 crop provisions under the pilot program.

Comment: An insurance service organization noted that the opening reference in § 407.9 incorrectly cites Provision 16 as containing continuous policy language rather than Provision 19.

Response: FCIC acknowledges the reference error. Based on additional edits to these provisions, the reference now correctly cites section 18.

Comment: An insurance service organization commented that the language in § 407.9 in the 3rd paragraph under ''both policies'' which states, ''You may select any dollar amount * * * by the acreage reporting date,'' could be misunderstood by insureds to mean that this choice may be made at acreage reporting time. They noted that this information is more clearly provided in the sixth paragraph and asked whether it is necessary that the language be included in both places.

Response: FCIC believes that both references to acreage planted by the acreage reporting date are necessary. FCIC has clarified paragraph 3 to specify that the selection of the dollar amount of protection must occur by the sales closing date and that this protection will be provided for each acre of the crop planted on or before the acreage reporting date and shown on the acreage report.

Comment: An insurance service organization recommended that FCIC modify the definition for the term ''Cancellation date'' from ''prior to that date'' to ''on or before that date'' since it is possible to cancel a policy on the cancellation date.

Response: FCIC agrees with the recommendation and has modified the definition accordingly.

Comment: An insurance service organization recommended that the term ''insurance provider'' be expanded to include FSA. This makes the policy language clearer and less wordy by eliminating the need to keep referring to ''companies or FSA offices''.

Response: In the future FSA is not expected to deliver crop insurance, and will only be used as a fall back if the private sector cannot deliver the program in an area. Based on this contingency ''FSA'' has been added to the definition of ''insurance provider.''

Comment: An insurance service organization expressed concern about language in section 3(b) of the GRP Basic Provisions which specifies that only acreage planted to the insured crop on or before the acreage reporting date will be insured. They are concerned about how insurance providers will verify the acreage.

Response: Companies are required to use the same procedures currently used to verify acreage planted on or before the final planting date under other insurance plans.

Comment: An insurance service organization commented that the language in section 3(d) of the GRP Basic Provisions, ''* * * we will not insure acreage where the insured failed to follow good farming practices'' is not necessary. They pointed out that good farming practices are not a ''moral hazard'' for GRP since losses are determined from the county average rather than an individual yield.

Response: Section 508(a)(3)(c) of the Federal Crop Insurance Act, as amended (Act), provides that failure to follow good farming practices will result in the acreage not being insurable. This provision applies to all policies insured or reinsured by FCIC. No change will be made in this provision.

Comment: An insurance service organization asked whether the CAT level of coverage referenced in section 4 of the GRP Basic Provisions and elsewhere, and currently available only for GRP forage, would be made available on all GRP crops.

Response: There are no plans to expand CAT coverage to other GRP crop programs for the 1999 crop year. However, the Manager of FCIC has the authority to expand CAT coverage for any or all of the other seven GRP crops.

Comment: An insurance service organization recommended modifying the language in section 7(a) of the GRP Basic Provisions to refer to ''net acreage'' instead of ''all acreage'' in which you have a share, or rearrange the various factors so it does not seem to refer to your share in the application.

Response: The insured is required to report all acreage of each insured crop in the county, both insurable and not insured, on or before the acreage reporting date shown in the Special Provisions. Therefore, FCIC has not modified this language. To prevent possible confusion of ''share in the application,'' FCIC has moved the phrase ''in which you have a share'' to after ''for each insured crop.''

Comment: One commenter from an insurance service organization questioned whether it mattered if acreage was planted by the acreage reporting date, as required in section 7(a), since a GRP loss is triggered by the county yield.

Response: The crop must be planted before acreage can be accurately reported. Therefore, to protect the integrity of the program, this provision has not been changed.

Comment: An insurance service organization noted that section 8 of the GRP Basic Provisions, items (a)–(c), address the administrative fees and when they are due. They asked whether this provision should state that CAT and limited fees are due the first year even if zero acres are reported.

Response: The Agricultural Research, Extension, and Education Reform Act of 1998 was passed subsequent to the comment,. This Act provided that the administrative fee will be due on the billing date. Payment of an administrative fee will not be required if a bona fide zero acreage report is filed on or before the acreage reporting date for the crop, as specified in paragraph 8(e).

Comment: An insurance service organization noted that section 8(d) of the GRP Basic Provisions addresses premium for limited and additional coverage levels, and asked whether there should be some reference to the subsidy equaling the imputed premium for CAT policies.

Response: FCIC does not believe adding imputed premium language is necessary and may in fact add detail that would only serve to confuse GRP policyholders.

Comment: An insurance service organization pointed out that sections 8(f) and (g) of the GRP Basic Provisions address delinquency and termination for non-payment of premium and asks whether there should also be some reference in this section to the consequences of failure to pay the administrative fees timely.

Response: FCIC agrees with the recommended change and has added new provisions in sections 8(g) and (h).

Comment: An insurance service organization expressed concern that the language in the proposed GRP Corn Crop Provisions provided that sweet corn, popcorn, and hybrid seed corn may be insured through a ''written agreement'' rather than through an ''agreement in writing.'' Written agreements, referenced in section 9, have more rules and regulations and generally must be submitted to the RSO for approval. Companies would object to no longer having the authority to

approve the insuring of different kinds of corn. Response: FCIC disagrees with the recommendation of replacing the language ''written agreement'' with ''agreement in writing'' in the GRP Corn Crop Provisions because an ''agreement in writing'' alters the contract, but does not have the contractual structure and guidelines of a formal ''written agreement.'' FCIC does agree that the written agreement requirement in both the GRP Corn and Sorghum Crop Provisions need not require Regional Service Office (RSO) approval. Therefore, while FCIC will leave the ''written agreement'' language in the crop provisions, it will provide in procedure that a written agreement for adding other types of GRP corn or sorghum to the contract be pre-approved by FCIC so that companies will be able to approve these written agreements without RSO approval.

Comment: An insurance service organization asked what GRP policy provisions would be subject to change by written agreement. For example, the current GRP handbook states that only land physically located in the insured county is insurable. The commenter questioned whether it will now be possible to insure land across the county line in the same manner as MPCI (APH) policies. The commenter also asks whether such agreements require RSO approval.

Response: All requirements that may be revised by written agreement will specifically be provided in the provision for such requirement in the Group Risk Plan Common Policy or the Crop Provision. Section 3 of the proposed GRP Basic Provisions provides that, ''Crops grown on acreage located in another county must be reported and insured separately.'' There are no plans at this time to alter that requirement by written agreement. Delegation of authority for approving written agreements is set out in FCIC procedure.

Comment: An insurance service organization commented that underwriting details do not belong in the policy but need to be resolved before the new policies are approved and issued. They expressed concern that the written agreement provisions may add to the administrative paperwork and that new GRP procedures should allow written agreements to be approved by the companies to the extent possible.

Response: FCIC's goal is to address underwriting details in procedure. The program must remain clean and relatively simple to administer. Written agreements are only used to temporarily deviate from the terms of the policy and should not pose any greater burden than for any other policy. Section 9 of the GRP Basic Provisions, therefore, has not been amended to allow reinsured companies to approve written agreements.

Comment: An insurance service organization recommended that language be added to section 13 of the GRP Basic Provisions to make it similar to the MPCI (APH) Basic Provisions which require that all policies be voided when more than one policy that insures the same interest is discovered, unless the duplication is determined to be inadvertent.

Response: FCIC agrees with the recommendations and has modified section 13 to make it more consistent with the provisions in the MPCI (APH) Basic Provisions. A provision has also been added to provide the insurance provider with recourse in the event that an insured obtained the multiple policies intentionally.

Comment: One commenter from an insurance service organization questioned why section 15 of the GRP Basic Provisions still refers to the Food Security Act of 1985 since producers are no longer required to be in compliance with the Sodbuster/Swampbuster provisions of the Act.

Response: While producers are no longer required to be in compliance with the Sodbuster/Swampbuster provisions of the Food Security Act, the Controlled Substance provisions still apply. Therefore, no change will be made.

Comment: An insurance service organization questioned the wisdom of listing specific legislation in section 15 of the GRP Basic Provisions because the references become outdated when the legislation is revised or repealed.

Response: If one or more of the cited Acts were to be modified or repealed, the insured person may no longer be in violation. Therefore, FCIC does not believe that references to specific legislation poses any problem and has not deleted the references.

Comment: An insurance service organization questioned the reasons for minor differences in the first three and last two paragraphs of section 15 of the GRP Basic Provisions. The commenter also questioned whether they could be made to match exactly, with the exception of ''up to 30 percent'' in FCIC item (b).

Response: FCIC agrees with comment and has eliminated the minor differences in these paragraphs.

Comment: An insurance service organization noted that the title of section 17 ''Determinations'' of the GRP Basic Provisions is appropriate for the FCIC policy, but recommended that FCIC change the title to ''Arbitration'' for reinsured policies, consistent with the 1995–NCIS 700B Basic Provisions.

Response: FCIC believes that the section title ''Determinations'' is appropriate for both FCIC and reinsured policies. FCIC has clarified that all determinations under reinsured policies will be made by the companies, and that disputes are resolved by means of arbitration. Accordingly, FCIC will not change the title of this section but has redesignated it section 16.

Comment: Two recommendations from an insurance service organization involved modification of provisions in § 407.12(2)(d) of the GRP Cotton crop provisions. Because of lack of punctuation, it appeared to read that only colored lint cotton planted into an established grass or legume is uninsurable rather than all cotton planted in this manner. The industry believes that the provisions would be clearer if formatted like the MPCI (APH) cotton policies. They also asked that colored lint cotton, for example, be made insurable by written agreement.

Response: FCIC agrees and has reformatted section 2(d) based on the MPCI cotton policies and has provided for insurability of colored lint cotton and other types by written agreement or when authorized by the Special Provisions.

Comment: One commenter from an insurance service organization expressed concern that cotton payment yields are determined substantially later than other crops.

Response: The cotton payment yields are determined later than a number of other GRP crops because final yields cannot be determined until the cotton is ginned. While an earlier announcement of the cotton payment yields is desirable, the logistics of the cotton industry preclude it.

Comment: An insurance service organization recommended modifying the definition of harvest in the Group Risk Plan for Forage to read, ''Removal of the forage from the field, and/or rotational grazing,'' rather than simply, ''and rotational grazing,'' to allow for those who do one or the other but not both.

Response: FCIC disagrees with the recommendation. The present language ''Removal of the forage from the field and rotational grazing'' already allows for an insured who does one or the other but not both. Therefore, no change has been made.

Comment: An insurance service organization recommended that the Program Dates table in the Group Risk Plan for Peanuts be modified by changing the phrase, ''and all other states,'' in the second group of counties

and states to read, ''and all other states except New Mexico and Oklahoma.'' This change is necessary because these two states have a March 15 cancellation and termination date and, therefore, belong in the third grouping.

Response: FCIC agrees with the comment and has revised the table accordingly.

Comment: An individual who is both an agriculture lender and producer commented that he did not favor the Group Risk Plan of Insurance because of weather variability, the many differences among producers within a county, the fact that all producers could obtain the same amount of insurance, and that the county had to trigger before a loss was due. CRC, on the other hand, allows a good proven producer to insure a crop for more than a poor producer and cover both price and yield risk.

Response: FCIC recognizes that some insurance products fit some individual's needs better than other products. The per acre premium for CRC insurance is considerably greater than for GRP coverage. While CRC works well for the commenter, neighboring producers whose yields trend with the county may find that GRP meets their insuring needs and is a better buy for the coverage provided.

In addition to the changes described above, FCIC has moved the contract change date for the Forage Group Risk Plan forward from June 30 to August 31. This change was based on the availability of NASS yield data. The term ''Actuarial Table'' was replaced with ''actuarial documents,'' for clarity and for consistency with the MPCI Common Policy. The term ''Protection per acre'' was replaced with ''Maximum protection per acre'' for clarity. FCIC added the following definitions: ''additional coverage,'' ''agreement in writing,'' ''catastrophic risk protection,'' ''dollar amount of protection per acre,'' ''good farming practices,'' ''limited coverage,'' and ''MPCI,'' to section 1 for clarification.

In addition, FCIC has made the following editorial changes to the Group Risk Plan of Insurance Basic Provisions:

1. *Section 407.8(c)(4)(ii)*—Modified to recognize that an MPCI policy may or may not be available to a producer for certain crops and counties in their region.

2. *Section 407.9*—Added Risk Management Agency (RMA) to the last sentence in the first paragraph of § 407.9. The additional language recognizes establishment of the Risk Management Agency on October 1, 1996.

List of Subjects in 7 CFR Part 407

Crop Insurance, Group Risk Plan, Barley, Corn, Cotton, Forage, Peanuts, Sorghum, Soybean, Wheat.

Final Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation adds 7 CFR part 407 to read as follows:

PART 407—GROUP RISK PLAN OF INSURANCE REGULATIONS FOR THE 2000 AND SUCCEEDING CROP YEARS

Sec.
407.1 Applicability.
407.2 Availability of Federal crop insurance.
407.3 Premium rates, amounts of protection, and coverage levels.
407.4 OMB control numbers.
407.5 Creditors.
407.6 Good faith reliance on misrepresentation.
407.7 The contract.
407.8 The application and policy.
407.9 Group risk plan common policy.
407.10 Group risk plan for barley.
407.11 Group risk plan for corn.
407.12 Group risk plan for cotton.
407.13 Group risk plan for forage.
407.14 Group risk plan for peanuts.
407.15 Group risk plan for sorghum.
407.16 Group risk plan for soybean.
407.17 Group risk plan for wheat.

Authority: 7 U.S.C. 1506(1), 1506(p).

§ 407.1 Applicability.

The provisions of this part are applicable only to those crops and crop years for which a Crop Provision is contained in this part.

§ 407.2 Availability of Federal crop insurance.

(a) Insurance shall be offered under the provisions of this part on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, (7 U.S.C. 1501 *et seq.*) (the Act). The crops and counties shall be designated by the Manager of the Federal Crop Insurance Corporation (FCIC) from those approved by the Board of Directors of FCIC.

(b) The insurance will be offered through companies reinsured by FCIC under the same terms and conditions as the contract contained in this part. These contracts are clearly identified as being reinsured by FCIC. Additionally, the contract contained in this part may be offered directly to producers through agents of the United States Department of Agriculture. Those contracts are specifically identified as being offered by FCIC.

(c) No person may have in force more than one insurance policy issued or reinsured by FCIC on the same crop for the same crop year, in the same county, unless specifically approved in writing by FCIC.

(d) If a person has more than one contract under the Act outstanding on the same crop for the same crop year, in the same county, that have not been properly approved by FCIC, all such contracts shall be voided for that crop year and the person will be liable for the premium on all contracts, unless the person can show to the satisfaction of FCIC that the multiple contracts of insurance were inadvertent and without the fault of the person.

(e) If the unapproved multiple contracts of insurance are shown to be inadvertent, and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop in the county for that crop year will be canceled. No liability for indemnity or premium will attach to the contracts so canceled.

(f) The person must repay all amounts received in violation of this section with interest at the rate contained in the contract (see § 407.8, paragraph 21).

(g) A person whose contract with FCIC or with a company reinsured by FCIC under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain crop insurance under the Act with FCIC or with a company reinsured by FCIC unless the person can show that the termination was improper and should not result in subsequent ineligibility.

(h) All applicants for insurance under the Act must advise the insurance provider, in writing at the time of application, of any previous applications for insurance or contracts of insurance under the Act within the last 5 years and the present status of any such applications or insurance.

§ 407.3 Premium rates, amounts of protection, and coverage levels.

(a) The Manager of FCIC shall establish premium rates, amounts of protection, and coverage levels for the insured crop that will be included in the actuarial documents on file in the insurance provider's office. Premium rates, amounts of protection, and coverage levels may be changed from year to year.

(b) At the time the application for insurance is made, the person must elect an amount of protection and a coverage level from among those contained in the actuarial documents for the crop year.

§ 407.4 OMB control numbers.

The information collection activity associated with this rule has been

previously approved by the Office of Management and Budget (OMB) under control number 0563–0053.

§ 407.5 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 407.6 Good faith reliance on misrepresentation.

(a) Notwithstanding any other provision of the crop insurance contract, an insured shall be granted relief to the extent of the insured's detrimental reliance or the extent of the policy benefits, whichever is less, under the following conditions:

(1) The person has entered into a contract of crop insurance under this part;

(2) A representative of FCIC made a misrepresentation or other erroneous action or advice;

(3) Such error concerned provisions of the insurance contract not contained in the Group Risk Plan of Insurance Basic Provisions, the Crop Provisions, the Federal Crop Insurance Act, or the regulations contained in this chapter;

(4) As a result of the error, the insured:

(i) Is indebted for additional premiums; or

(ii) Has suffered a loss to a crop which is not insured or for which the person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(5) The Manager finds that:

(i) A representative of FCIC made such misrepresentation or took other erroneous action or gave erroneous advice;

(ii) The person reasonably and in good faith relied on such misrepresentation, erroneous action or advice to the person's detriment; and

(iii) To require the payment of the additional premiums or to deny such person's entitlement to the indemnity would not be fair and equitable.

(b) For FCIC Policies only, requests for relief under this section must be submitted to FCIC in writing. FCIC's reviewing officers must refer such application for relief to the Manager of FCIC for determination as to whether to grant relief. FCIC's reviewing officers do not have authority to grant relief under this section.

(c) For Reinsured Policies only, requests for relief under this section must be submitted to the reinsured company in writing. The reinsured companies shall use arbitration, in accordance with the rules of the American Arbitration Association, under contracts for insurance issued by them under the Act to grant relief under the same terms and conditions as contained in this section or may establish procedures to administratively handle relief in accordance with this section. Granting relief under this section does not absolve the reinsured company from liability to FCIC for unauthorized acts of its agents.

§ 407.7 The contract.

The insurance contract shall become effective upon the acceptance by FCIC or the reinsured company of a complete, duly executed application for insurance on a form prescribed or approved by FCIC. The contract shall consist of the accepted application, Group Risk Plan of Insurance Basic Provisions, Crop Provisions, Special Provisions, Actuarial Table, and any amendments, endorsements, or options thereto. Changes made in the contract shall not affect its continuity from year to year. Except as may be allowed under § 407.6, and at the sole discretion of the Corporation, no indemnity shall be paid unless the person complies with all terms and conditions of the contract. The forms required under this part and by the contract are available at the office of the insurance provider, or the local FSA office, if applicable.

§ 407.8 The application and policy.

(a) Application for insurance, on a form prescribed or approved by FCIC, must be made by any person who wishes to participate in the program in order to cover such person's share in the insured crop as landlord, owner-operator, tenant, or other crop ownership interest. No other person's interest in the crop may be insured under the application. The application must be submitted to the insurance provider on or before the applicable sales closing date on file in the insurance provider's local office.

(b) FCIC or the reinsured company may reject or no longer accept applications upon the FCIC's determination that the insurance risk is excessive. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications for fall planted crops, unless prohibited by law, upon determining that the probability and severity of claims will not increase because of the extension, by placing the extended date on file in the insurance provider's office and publishing a notice in the **Federal Register**. If adverse conditions should develop during the extended period, the Corporation will require the insurance provider to immediately discontinue acceptance of applications.

(c) Since this Group Risk Plan differs significantly from traditional Multiple Peril Crop Insurance, persons who purchase the Group Risk Plan and their crop insurance agents will be required to execute an ''Acknowledgment of Differences'' that explains that the terms and conditions of the Group Risk Plan are different from traditional crop insurance in that:

(1) The Group Risk Plan indemnity payment, if any, will be made after the Group Risk Plan premium is received;

(2) A person may have a low yield on his or her individual farm and not receive a payment under Group Risk Plan; and

(3) A person may not have any loss of production and still collect under the policy if a loss of production is general in the area.

(4) By executing the ''Acknowledgment of Differences,'' the insured certifies that:

(i) He or she understands the terms of the Group Risk Plan;

(ii) An MPCI policy may be available in the county; and

(iii) Both a Group Risk Plan and a MPCI Plan cannot be purchased on the same crop by the same insured in the same county.

§ 407.9 Group risk plan common policy.

The provisions of the Group Risk Plan Common Policy for the 2000 and succeeding crop years are as follows:

[FCIC policies]

Department of Agriculture

Federal Crop Insurance Corporation

Group Risk Plan Common Policy

[Reinsured policies]

(Appropriate title for insurance provider)

(This is a continuous policy. Refer to Section 18.)

[FCIC policies]

This insurance policy establishes a risk management program developed by the Federal Crop Insurance Corporation (FCIC), an agency of the United States Government, under the authority of the Federal Crop Insurance Act (Act), as amended (7 U.S.C. 1501 *et seq.*). All terms of the policy and rights and responsibilities of the parties hereto are subject to the Act and all regulations under the Act published in 7 CFR chapter IV. The provisions of this policy may not be waived or varied in any way by the crop insurance representative, or any other representative or employee of FCIC, the Risk

Management Agency (RMA) or the Farm Service Agency (FSA). In the event that the company cannot pay a loss, the claim will be settled in accordance with the provisions of the policy and paid by FCIC. No state guarantee fund will be liable to pay the loss.

Throughout this policy, ''you'' and ''your'' refer to the person shown on the accepted application and ''we,'' ''us,'' and ''our'' refer to the Federal Crop Insurance Corporation. Unless the context indicates otherwise, the use of the plural form of a word includes the singular use and the singular form of the word includes the plural.

[Reinsured policies]

This insurance policy establishes a risk management program created by the Federal Crop Insurance Corporation (FCIC), an agency of the United States Government, under the authority of the Federal Crop Insurance Act (Act), as amended (7 U. S. C. 1501 *et seq.*).

This insurance policy is reinsured by FCIC under the provisions of the Act. All terms of the policy and rights and responsibilities of the parties are subject to the Act and all regulations under the Act published in 7 CFR chapter IV, and may not be waived or varied in any way by the crop insurance representative, any other representative or employee of the company, any representative or employee of FCIC, the Risk Management Agency, or the Farm Service Agency (FSA). All provisions of State and local law in conflict with the provisions of this policy as published in 7 CFR part 407 are preempted and the provisions of such part will control.

Throughout this policy, ''you'' and ''your'' refer to the person shown on the accepted application and ''we,'' ''us,'' and ''our'' refer to the reinsured company issuing this policy. Unless the context indicates otherwise, the use of the plural form of a word includes the singular use and the singular form of the word includes the plural.

[Both policies]

The Group Risk Plan of Insurance (GRP) is designed as a risk management tool to insure against widespread loss of production of the insured crop in a county. It is primarily intended for use by those producers whose farm yields tend to follow the average county yield. It is possible for you to have a low yield on the acreage that you insure and still not receive a payment under this plan.

For limited or additional coverage you may select any percent coverage level shown on the actuarial documents. Multiplying your coverage level percent by the expected county yield shown on the actuarial documents gives your trigger yield. If the payment yield that FCIC publishes for the insured crop year falls below your trigger yield, you will receive a payment.

On or before the sales closing date, you may select any dollar amount of protection between 60 and 100 percent (except for Catastrophic Risk Protection (CAT) which is 55 percent) of the maximum protection per acre shown on the actuarial documents. This protection will be provided for each acre of the crop planted by the acreage reporting date and shown on your acreage report (unless otherwise provided in the crop provisions) in which you have a share.

In accordance with the Act, FCIC will pay a portion of your premium, as published in the actuarial documents. The premium rates, practices, types, maximum protection per acre, and maximum subsidy per acre are also shown on the actuarial documents.

FCIC will issue the payment yield in the calendar year following the crop year insured. This yield will be the official estimated yield published by the National Agricultural Statistics Service (NASS). You will be paid if the payment yield falls below your trigger yield. The amount of your payment per net insured acre will be calculated by subtracting the payment yield from the trigger yield, dividing that quantity by the trigger yield, and multiplying that result by your protection per acre for each net acre that you have insured.

To be eligible to participate in the Group Risk Plan of Insurance for any crop in any county, and to receive an indemnity thereunder, you must have an insurable interest in an insured crop that is planted in the county shown on the approved application. The crop must be planted for harvest and be reported to us by the acreage reporting date. You may only purchase coverage under the Group Risk Plan of Insurance on your net acres of the insured crop.

The insurance contract shall become effective upon the acceptance by us of a duly executed application for insurance on our form. Acceptance occurs when we issue a Summary of Protection to you. The policy shall consist of the accepted application, Group Risk Plan of Insurance Common Policy Basic Provisions, Crop Provisions, Special Provisions, actuarial documents, and any amendments, endorsements, or options.

Agreement To Insure

In return for your payment of the premium and your compliance with all applicable provisions, we agree to provide risk protection as stated in this policy. If a conflict exists among the policy provisions, the order of priority is as follows: (1) The Catastrophic Risk Protection Endorsement, if applicable; (2) the Special Provisions; (3) the Crop Provisions; and (4) the Group Risk Plan Basic Provisions, with (1) controlling (2), etc.

Terms and Conditions

Group Risk Plan of Insurance Basic Provisions

1. Definitions

Acreage report. A report required by section 7 of these Basic Provisions that contains, in addition to other information, your report of your share of all acreage of an insured crop in the county, whether insurable or not insurable.

Acreage reporting date. The date contained in the Special Provisions by which you must submit your acreage report in order to be eligible for Group Risk Insurance.

Act. Federal Crop Insurance Act, (7 U.S.C. 1501 *et seq.*).

Actuarial documents. The material for the crop year which is available for public inspection in your insurance provider's local office, and which shows the maximum protection per acre, expected county yield, coverage levels, premium rates, practices, program dates, and other related information regarding crop insurance in the county.

Additional coverage. For GRP, an amount of protection greater than or equal to: 80 percent of the expected county yield indemnified at 95 percent of the maximum amount of protection (80/95); or 85 percent of the expected county yield indemnified at 90 percent of the maximum amount of protection (85/90); or 90 percent of the expected county yield indemnified at 85 percent of the of the maximum amount of protection (90/85). The protection is on a per acre basis as specified in the actuarial documents for the crop, practice, and type.

Billing date. The date, contained in the actuarial documents, by which we will bill you for the premium and administrative fee on the insured crop.

Cancellation date. The calendar date specified in the Crop Provisions on which insurance for the next crop year will automatically renew unless the policy is canceled in writing by either you or us or terminated in accordance with policy terms.

Catastrophic risk protection. The minimum level of coverage offered by FCIC. For GRP, an amount of protection equal to 65 percent of the expected county yield indemnified at 55 percent of the maximum protection per acre specified in the actuarial documents for the crop, practice, and type.

County. Any county, parish, or other political subdivision of a state shown on your accepted application.

Crop practice. The combination of inputs such as fertilizer, herbicide, and pesticide, and operations such as planting, cultivation, and irrigation, used to produce the insured crop. The insurable practices are contained in the actuarial documents.

Crop Provisions. The part of the policy that contains the specific provisions of insurance for each insured crop.

Crop year. The period of time within which the insured crop is normally grown and designated by the calendar year in which the crop is normally harvested.

Dollar amount of protection per acre. The percentage of coverage selected by you multiplied by the maximum protection per acre specified in the actuarial documents for the crop, practice, and type. The dollar amount of protection per acre is shown on your Summary of Protection.

Expected county yield. The yield contained in the actuarial documents, on which your coverage for the crop year is based. This yield is determined using historical NASS county average yields, as adjusted by FCIC.

FCIC. The Federal Crop Insurance Corporation, a wholly owned corporation within USDA.

FSA. The Farm Service Agency, an agency of the United States Department of Agriculture, or a successor agency.

Good farming practices. The cultural practices generally in use in the county for the crop to make normal progress toward maturity, and are those recognized by the Cooperative State Research, Education, and Extension Service as compatible with agronomic and weather conditions in the county.

GRP. Group Risk Plan of Insurance.

Insurance provider. The FSA or a private insurance company approved by FCIC which

provides crop insurance coverage to producers participating in any Federal crop insurance program administered under the Act.

Limited coverage. For GRP an amount of protection greater than or equal to 70 percent of the expected county yield indemnified at 60 percent of the maximum amount of protection (70/60) and less than 80/95, 85/90, and 90/85.

Maximum protection per acre. The highest amount of protection specified in the actuarial documents.

MPCI. Multiple peril crop insurance, an insurance product based on an individual yield or amount of insurance.

NASS. National Agricultural Statistics Service, an agency within USDA, or its successor, that publishes the official United States Government yield estimates.

Net acres. The planted acreage of the insured crop multiplied by your share.

Payment yield. The yield determined by FCIC based on NASS yields for each insurable crop's type and practice, as adjusted by FCIC, and used to determine whether an indemnity will be due.

Person. An individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a state or a political subdivision or agency of a state.

Sales closing date. The date contained in the Special Provisions by which an application must be filed. The last date by which you may change your crop insurance coverage for a crop year.

Share. Your percentage of interest in the insured crop, as an owner, operator, or tenant at the time insurance attaches. Premium will be determined on your share as of the acreage reporting date. However, only for the purpose of determining the amount of indemnity, your share will not exceed your share at the acreage reporting date or on the date of harvest, whichever is less.

Special provisions. The part of the policy that contains specific provisions of insurance for each crop that may vary by geographic area.

Subsidy. The portion of your premium, shown on the actuarial documents as limited and maximum amounts per acre, that FCIC will pay in accordance with the Act.

Summary of protection. Our statement to you of the crop insured, dollar amount of protection per acre, premiums, and other information obtained from your accepted application, acreage report, and the actuarial documents.

Termination date. The calendar date contained in the Crop Provisions upon which insurance ceases to be in effect because of nonpayment of any amount due us under the policy, including premium and administrative fees.

Trigger yield. The result of multiplying the expected county yield by the coverage level percentage chosen by you. When the payment yield falls below the trigger yield, an indemnity is due.

Type. Plants of the insured crop having common traits or characteristics that distinguish them as a group or class, and which are designated in the actuarial documents.

USDA. United States Department of Agriculture.

2. Insured Crop

The insured crop will be the crop shown on your accepted application, as specified in the applicable Crop Provisions, and must be grown on insurable acres.

3. Insured and Insurable Acreage

(a) The insurable acreage is all of the acreage of the insured crop for which premium rates are provided by the actuarial documents and in which you have a share and which is in the county listed in your accepted application. The dollar amount of protection per acre, amount of premium, and indemnity will be calculated separately for each county, type, and practice.

(b) Only the acreage seeded to the insured crop on or before the acreage reporting date (unless otherwise provided in the Crop Provisions) and physically located in the county listed on your accepted application will be insured. Crops grown on acreage physically located in another county must be reported and insured separately.

(c) We will not insure any crop grown on any acreage where the crop was destroyed or put to another use during the insurance period for the purpose of conforming with, or obtaining a payment under, any other program administered by the USDA.

(d) We will not insure any acreage where you have failed to follow good farming practices for the insured crop.

4. Policy Protection

(a) For catastrophic risk protection GRP policies, the dollar amount of protection per acre will be 55 percent of the maximum protection per acre specified on the actuarial documents for each insured crop, practice, and type. For limited and additional coverage GRP policies, you may select any dollar amount of protection from 60 percent through 100 percent of the maximum protection per acre shown on the actuarial documents for the crop, practice, and type.

(b) The dollar amount of protection per acre, multiplied by your net insured acreage, is your policy protection for each insured crop, practice, and type specified in the actuarial documents.

(c) All yields are based on NASS determinations, and such determinations for the county will be conclusively presumed to be accurate.

5. Coverage Levels

(a) For catastrophic risk protection GRP policies, the coverage level is shown on the actuarial documents for each insured crop, practice, and type. For limited and additional coverage GRP policies, you may select any percentage of coverage shown on the actuarial documents for the crop, practice, and type.

(b) Your coverage level multiplied by the expected county yield shown on the actuarial documents is your trigger yield. If the payment yield published by FCIC for the insured crop, practice, and type for the insured crop year falls below your trigger yield, you will receive an indemnity payment.

(c) You may change the coverage level or amount of protection for each insured crop on or before the sales closing date. Changes must be in writing and received by us by the sales closing date.

6. Payment Calculation Factor

Your payment calculation factor will be ((your trigger yield − payment yield) ÷ your trigger yield) for the purposes of calculating an indemnity payment.

7. Report of Acreage and Share

(a) You must report on our form all acreage for each insured crop in which you have a share (insurable and not insured) by practice and type specified in the actuarial documents in each county listed on your accepted application. This report must be submitted each year on or before the acreage reporting date for the insured crop contained in the actuarial documents. If you do not submit an acreage report by the acreage reporting date, we will determine your acreage and share or deny liability on the policy.

(b) We will not insure any acreage of the insured crop planted after the acreage reporting date, unless otherwise provided in the Crop Provisions.

(c) Your premium will be based on the greater of the acreage reported on the acreage report or the acreage determined by us to be accurate.

(d) The payment of an indemnity will be based on your insurable acreage on the acreage reporting date.

(e) If you misrepresent or omit any information, we will revise the premium or liability or both for each insured crop in the county, by type and practice, to the amount we determine to be correct.

(f) You may insure only your share of the crop, which includes any share of your spouse and dependent children unless it is demonstrated to our satisfaction, prior to the sales closing date, that you and your spouse maintain completely separate farming operations and that each spouse is the operator of his or her own separate operation. Any commingling of any part of the operations will cause shares of you and your spouse to be combined.

8. Administrative Fees and Annual Premium

(a) If you obtain a catastrophic risk protection GRP policy you will pay an administrative fee:

(1) Of $60 per crop per county;

(2) Payable to the insurance provider on the billing date for the crop.

(b) If you obtain a limited coverage GRP policy, you will pay an administrative fee under the same terms and conditions as the premium for the policy:

(1) Of $50 per crop per county;

(2) Not to exceed $200 per county;

(3) Up to a maximum of $600 per producer.

(4) Limited resource farmers as defined at 7 CFR 457.8 may apply for a waiver of administrative fees for the limited coverage policy.

(c) If you obtain an additional coverage GRP policy, you will pay an administrative fee:

(1) Of $20 per crop per county;

(2) Payable under the same terms and conditions as the premium for the policy.

(d) For limited and additional coverage GRP policies, your premium is determined by multiplying your policy protection by the premium rate per hundred dollars of protection for your coverage level contained

in the actuarial documents, by 0.01, and subtracting the applicable subsidy.

(e) For catastrophic risk protection, limited, and additional coverage GRP policies, payment of an administrative fee will not be required if you file a bona fide zero acreage report on or before the acreage reporting date for the crop (if you falsely file a zero acreage report you may be subject to criminal and administrative sanctions).

(f) The annual premium is earned and payable at the time the insured crop is planted. For each insured crop, you will be billed for premium and the administrative fee by the billing date specified in the Special Provisions. Premium, administrative fee, and any other amount owed us is due on the billing date and interest will accrue if the premium, administrative fee, or any other amount owed is not received by us before the first day of the month following the premium billing date.

(g) The premium, administrative fee, and any other amount due, plus any accrued interest, will be considered delinquent if it is not paid on or before the termination date specified in the Crop Provisions. This may affect your eligibility for benefits under other USDA programs. A debt for any crop insured with us under the authority of the Act will be deducted from any indemnity due you for this or any other crop insured with us.

(h) Failure to pay the premium and any administrative fee due, plus any accrued interest and penalties, by the termination date will make you ineligible for any crop insurance under the Act for subsequent crop years until the sales closing date after the date the debt, including interest and penalties, is paid or satisfactory arrangements acceptable to us for such payment are made.

9. Written Agreements

Terms of this policy which are specifically designated for the use of written agreements may be altered by written agreement in accordance with the following:

(a) You must apply in writing for each written agreement no later than the sales closing date;

(b) The application for written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved by us, the written agreement will include all variable terms of the contract, including, but not limited to, crop type or variety, the protection per acre, premium rate, and price election; and

(d) Each written agreement will only be valid for one year. If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy.

10. Access to Insured Crop and Record Retention

We may examine the insured crop and any records relating to the crop and this insurance at any location where such crop or such records may be found or maintained, as often as we reasonably require. Records relating to the planting of the insured crop and your net acres must be retained for three years after the end of the crop year or three years after the date of payment of the final indemnity, whichever is later. We may extend the record retention period beyond three years by notifying you of such extension in writing. Failure to maintain such records will, at our option, result in cancellation of the policy or a determination that no indemnity is due.

11. Transfer of Coverage and Right to Indemnity

If you transfer any part of your share during the crop year, you may transfer your coverage rights, if the transferee is eligible for crop insurance. We will not be liable for any more than the liability determined in accordance with your policy that existed before the transfer occurred. The transfer of coverage rights must be on our form and will not be effective until approved by us in writing. Both you and the transferee are jointly and severally liable for payment of the premium. The transferee has all rights and responsibilities under this policy consistent with the transferee's interest.

12. Assignment of Indemnity

You may assign to another person your right to an indemnity for the crop year. The assignment must be on our form and will not be effective until approved in writing by us.

13. Other Insurance

You may not obtain any other crop insurance issued under the authority of the Act on your share of the insured crop. If we determine that more than one policy on your share is intentional, you may be subject to the sanctions authorized under this policy, the Act, or any other applicable statute. If we determine that the violation was not intentional, the policy with the earliest date of application will be in force and all other policies will be void. Nothing in this paragraph prevents you from obtaining other insurance not issued under the Act.

14. Legal Action Against Us

(a) You may not bring legal action against us unless you have complied with all of the policy provisions.

(b) If you do take legal action against us, you must do so within 12 months of the date of denial of a claim. Suit must be brought in accordance with the provisions of 7 U.S.C. 1508(j).

(c) Your right to recover damages (compensatory, punitive, or other), attorney's fees, or other charges is limited or excluded by this contract or by Federal Regulations.

[FCIC policy]

15. Restrictions, Limitations, and Amounts Due Us

(a) We may restrict the amount of acreage we will insure to the amount allowed under any acreage limitation program established by USDA.

(b) Violation of Federal statutes including, but not limited to, the Act; the controlled substance provisions of the Food Security Act of 1985; the Food, Agriculture, Conservation, and Trade Act of 1990; and the Omnibus Budget Reconciliation Act of 1993, and any regulation promulgated thereunder, will result in cancellation, termination, or voidance of your crop insurance contract. We will recover any and all monies paid to you or received by you during your period of ineligibility, and your premium will be refunded, less an amount for expenses and handling not to exceed 20 percent of the premium paid or to be paid by you.

(c) Our maximum liability under this policy will be limited to the policy protection specified in section 4 of this policy. Under no circumstances will we be liable for the payment of damages (compensatory, punitive, or other), attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such indemnity.

(d) We will pay simple interest computed on the net indemnity ultimately found to be due by us or determined by a final judgment of a court of competent jurisdiction or a final administrative determination from, and including, the 61st day after the date we receive the NASS county yield estimates for the insured crop year. Interest will be paid only if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611 *et seq.*), and published in the **Federal Register**.

(e) Any amount illegally or erroneously paid to you or that is owed to us but is delinquent may be recovered by us through offset by deducting it from any loan or payment due you under any Act of Congress or program administered by any United States Government Agency, or by other collection action.

(f) Interest will accrue at the rate not to exceed 1.25 percent simple interest per calendar month, or any part thereof, on any unpaid premium or administrative fee balance. For the purpose of premium and administrative fee amounts due us, interest will begin to accrue on the first day of the month following the premium billing date specified in the Special Provisions.

(g) For the purpose of any other amounts due us, such as repayment of indemnities found not to have been earned:

(1) Interest will start to accrue on the date that notice is issued to you for the collection of the unearned amount;

(2) Amounts found due under this paragraph will not be charged interest if payment is made in full within 30 days of issuance of the notice by us;

(3) The amount will be considered delinquent if not paid within 30 days of the date the notice is issued by us;

(4) Penalties and interest will be charged in accordance with 31 U.S.C. 3717 and 4 CFR part 102; and

(5) The penalty for accounts more than 90 days delinquent is an additional 6 percent per annum.

(h) Interest on any amount due us found to have been received by you because of fraud, misrepresentation, or presentation by you of a false claim will start on the date you received the amount with the additional 6 percent penalty beginning on the 31st day after the notice of amount due is issued to you. This interest is in addition to any other amount found to be due under any other Federal criminal or civil statute.

(i) If we determine that it is necessary to contract with a collection agency, refer the debt to governmental collection centers, the Department of Treasury Offset Program, or to employ an attorney to assist in collection, you agree to pay all of the expenses of collection.

(j) All amounts paid by you will be applied first to expenses of collection if any, second to reduction of any penalties which may have been assessed, then to reduction of accrued interest, and finally, to reduction of the principal balance.

[Reinsured policy]

15. Restrictions, Limitations, and Amounts Due Us

(a) We may restrict the amount of acreage we will insure to the amount allowed under any acreage limitation program established by USDA.

(b) Violation of Federal statutes including, but not limited to, the Act; the controlled substance provisions of the Food Security Act of 1985; the Food, Agriculture, Conservation, and Trade Act of 1990; and the Omnibus Budget Reconciliation Act of 1993, and any regulation promulgated thereunder, will result in cancellation, termination, or voidance of your crop insurance contract. We will recover any and all monies paid to you or received by you during your period of ineligibility, and your premium will be refunded, less a reasonable amount for expenses and handling not to exceed 20 percent of the premium paid or to be paid by you.

(c) Our maximum liability under this policy will be limited to the policy protection specified in section 4 of this policy. Under no circumstances will we be liable for the payment of damages (compensatory, punitive, or other), attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such indemnity.

(d) Interest will accrue at the rate not to exceed 1.25 percent simple interest per calendar month, or any part thereof, on any unpaid premium or administrative fee balance. For the purpose of premium and administrative fee amounts due us, interest will begin to accrue on the first day of the month following the premium billing date specified in the Special Provisions.

(e) For the purpose of any amounts due us, such as repayment of indemnities found not to have been earned, interest will start to accrue on the date that notice is issued to you for the collection of the unearned amount. Amounts found due under this paragraph will not be charged interest if payment in full is made within 30 days of issuance of notice by us. The amount will be considered delinquent if not paid in full within 30 days of the date the notice is issued by us.

(f) All amounts paid will be applied first to expenses of collection (see subsection (g) of this section) if any, second to reduction of accrued interest, and then to reduction of the principal balance.

(g) If we determine that it is necessary to contract with a collection agency or to employ an attorney to assist in collection, you agree to pay all of the expenses of collection.

(h) A portion of the amount paid to you to which you were not entitled may be collected through administrative offset from payments you receive from United States government agencies in accordance with 31 U.S.C. chapter 37.

[FCIC policy]

16. Determinations

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration or you may appeal our determinations in accordance with 7 CFR part 11.

[Reinsured policy]

16. Determinations

(a) If you and we fail to agree on any factual determination, the disagreement will be resolved in accordance with the rules of the American Arbitration Association. Failure to agree with any factual determination made by FCIC must be resolved through the FCIC appeal provisions published at 7 CFR part 11.

(b) No award determined by arbitration or appeal can exceed the amount of liability established or which should have been established under this policy.

[Both policies]

17. Holidays and Weekends

If any date specified in this program falls on Saturday, Sunday, or a legal Federal holiday, that date will be extended to the next business day.

18. Life of Policy, Cancellation, and Termination

(a) This is a continuous policy and will remain in effect for each crop year following the acceptance of the original application until canceled by you in accordance with the terms of the policy or terminated by operation of the terms of the policy or by us.

(b) Your application for insurance must contain all the information required by us to insure the crop. Applications that do not contain all social security numbers and employer identification numbers, as applicable (except as stated herein), coverage level, price election, crop, type, variety, or class, plan of insurance, and any other material information required to insure the crop, are not acceptable. If a person with a substantial beneficial interest in the insured crop refuses to provide a social security number or employer identification number, the amount of coverage available under the policy will be reduced proportionately by that person's share of the crop.

(c) After acceptance of the application, you may not cancel this policy for the initial crop year. Thereafter, the policy will continue in force for each succeeding crop year unless canceled or terminated as provided below.

(d) Either you or we may cancel this policy after the initial crop year by providing written notice to the other on or before the cancellation date shown in the Crop Provisions.

(e) If any amount due, including premium, is not paid on or before the termination date for the crop on which an amount is due:

(1) For a policy with the unpaid premium, the policy will terminate effective on the termination date immediately subsequent to the billing date for the crop year;

(2) For a policy with other amounts due, the policy will terminate effective on the termination date immediately after the account becomes delinquent;

(3) Ineligibility will be effective as of the date that the policy was terminated for the crop for which you failed to pay an amount owed and for all other insured crops with coincidental termination dates;

(4) All other policies that are issued by us under the authority of the Act will also terminate as of the next termination date contained in the applicable policy;

(5) If you are ineligible, you may not obtain any crop insurance under the Act until payment is made, you execute an agreement to repay the debt and make the payments in accordance with the agreement, or you file a petition to have your debts discharged in bankruptcy;

(6) If you execute an agreement to repay the debt and fail to timely make any scheduled payment, you will be ineligible for crop insurance effective on the date the payment was due until the debt is paid in full or you file a petition to discharge the debt in bankruptcy and subsequently obtain discharge of the amounts due. Dismissal of the bankruptcy petition before discharge will void all policies in effect retroactive to the date you were originally determined ineligible to participate;

(7) Once the policy is terminated, the policy cannot be reinstated for the current crop year unless the termination was in error;

(8) After you again become eligible for crop insurance, if you want to obtain coverage for your crops, you must reapply on or before the sales closing date for the crop (since applications for crop insurance cannot be accepted after the sales closing date, if you make any payment after the sales closing date, you cannot apply for insurance until the next crop year); and

(9) If we deduct the amount due us from an indemnity, the date of payment for the purpose of this section will be the date you sign the properly executed claim for indemnity.

(10) For example, if crop A, with a termination date of October 31, 1997, and crop B, with a termination date of March 15, 1998, are insured and you do not pay the premium for crop A by the termination date, you are ineligible for crop insurance as of October 31, 1997, and crop A's policy is terminated on that date. Crop B's policy is terminated as of March 15, 1998. If you enter an agreement to repay the debt on April 25, 1998, you can apply for insurance for crop A by the October 31, 1998, sales closing date and crop B by the March 15, 1999, sales closing date. If you fail to make a scheduled payment on November 1, 1998, you will be ineligible for crop insurance effective on November 1, 1998, and you will not be eligible unless the debt is paid in full or you file a petition to have the debt discharged in bankruptcy and subsequently receive discharge.

(f) If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the policy will terminate as of the

date of death, judicial declaration, or dissolution. If such event occurs after coverage begins for any crop year, the policy will continue in force through the crop year and terminate at the end of the insurance period and any indemnity will be paid to the person or persons determined to be beneficially entitled to the indemnity. The premium will be deducted from the indemnity or collected from the estate. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

(g) We may terminate your policy if no premium is earned for 3 consecutive years.

(h) The cancellation and termination dates are contained in the Crop Provisions.

19. Contract Changes

(a) We may change any terms and conditions of this policy from year to year.

(b) Any changes in policy provisions, expected county yields, maximum amounts of protection, premium rates, and program dates will be provided by us to your local crop insurance provider not later than the contract change date contained in the Crop Provisions. You may view the documents or request copies from your local crop insurance provider.

(c) You will be notified, in writing, of changes to the Basic Provisions, Crop Provisions, and Special Provisions of this policy not later than 30 days prior to the cancellation date for the insured crop. Acceptance of changes will be conclusively presumed in the absence of notice from you to change or cancel your insurance coverage.

20. Eligibility for Other Farm Program Benefits

To remain eligible for benefits under the Agriculture Marketing Transition Act, the conservation reserve program, or certain farm loans, you are required to obtain at least the catastrophic level of coverage for either GRP or any other plan of insurance that is available in the county, for all crops of economic significance, or execute a waiver of your rights to any emergency crop assistance on or before the sales closing date for the crop.

An Example To Demonstrate How GRP Works

Producer A buys 90 percent coverage and selects $160 protection per acre. Producer B buys 75 percent coverage and selects $185 protection per acre. Both producers have 100 percent share and both plant 200 acres of a crop in the county. The expected county yield is 45 bushels per acre. The premium rate for 90 percent coverage is $6.14 per hundred dollars of protection and the premium rate for 75 percent coverage is $3.30 per hundred dollars of protection. The maximum subsidy amount per acre is $3.07 and the limited subsidy amount is $2.21 per acre.

A's trigger yield is 40.5 bushels per acre (90% × 45), and the total premium due is $1,965 ($160 × $6.14 × 200 acres × 0.01). Of that amount, FCIC pays $614 (200 acres × the maximum subsidy of $3.07 per acre). A's policy protection is $32,000 ($160 × 200 acres).

B's trigger yield is 33.8 bushels per acre (75% of 45), and the total premium due is $1,221 ($185 × $3.30 × 200 acres × 0.01). Of that amount, FCIC pays $442 (200 acres × the limited subsidy amount of $2.21 per acre). B's policy protection is $37,000 ($185 × 200 acres).

Scenario 1 (likely)

FCIC issues a payment yield of 46 bushels per acre. This is above both producers' trigger yields, so no indemnity payment is made, even if one or both have individual yields that are below the trigger yield.

Scenario 2 (less likely)

FCIC issues a payment yield of 38 bushels per acre. A's payment calculation factor is 0.062 ((40.5 − 38)÷40.5). This number multiplied by the policy protection yields an indemnity payment of $1,984 (.062 × $32,000). B's trigger yield is less than the payment yield, so no indemnity payment is made.

Scenario 3 (least likely)

FCIC issues a payment yield of 22 bushels per acre. A's payment calculation factor is 0.457 ((40.5 − 22)÷40.5). The payment is $14,624 (0.457 × $32,000). B's payment calculation factor is 0.349 ((33.8 − 22) ÷33.8), and the final indemnity payment is $12,913 (0.349 × $37,000).

§ 407.10 Group risk plan for barley.

The provisions of the Group Risk Plan for Barley for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or threshing the barley for grain.

NASS yield. The yield calculated by dividing the NASS estimate of the barley production in the county, by the NASS estimate of the acres of barley in the county, as specified in the actuarial documents. The actuarial documents will specify whether harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the barley seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Land on which seed is initially spread onto the soil surface by any method and which subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth, will also be considered planted.

2. Crop Insured

The insured crop will be all barley:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Planted with the intent to be harvested as grain; and

(d) Not planted into an established grass or legume, interplanted with another crop, or planted as a nurse crop, unless seeded at the normal rate and intended for harvest as grain.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to the April 1 following the crop year.

(c) We will issue any payment to you prior to the May 1 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas Counties, Colorado and all Colorado Counties south and east thereof; all New Mexico counties except Taos County; Kansas; Missouri; Illinois; Indiana; Ohio; Pennsylvania; New York; Massachusetts; and all states south and east thereof.	September 30	June 30.
Arizona; California; and Clark and Nye Counties, Nevada	October 31	June 30.
All Colorado counties except Kit Carson, Lincoln, Elbert, El Paso, Pueblo, and Las Animas Counties and all Colorado counties south and east thereof; all Nevada counties except Clark and Nye Counties; Taos County, New Mexico; and all other states except: Arizona, California, and (except) Kansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts and all States south and east thereof.	March 15	November 30.

§ 407.11 Group risk plan for corn.

The provisions of the Group Risk Plan for Corn for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or picking corn for grain, or severing the stalk from the land and chopping the stalk and ear for the purpose of livestock feed.

NASS yield. The yield calculated by dividing the NASS estimate of the corn for grain production in the county, by the NASS estimate of the acres of corn for grain in the county, as specified in the actuarial documents. The actuarial documents will specify whether harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the corn seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Broadcast and subsequent mechanical incorporation of the corn seed is not allowed.

2. Crop Insured

(a) The insured crop will be all field corn:

(1) Grown on insurable acreage in the county listed in the accepted application;

(2) Properly planted and reported by the acreage reporting date;

(3) Planted with the intent to be harvested as grain, silage, or green chop; and

(4) Not planted into an established grass or legume or interplanted with another crop.

(b) Hybrid seed corn, popcorn, sweet corn, and other specialty corn may only be insured if a written agreement exists between you and us. Your request to insure such crop must be in writing and submitted to your agent not later than the sales closing date.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to April 16 following the crop year.

(c) We will issue any payment to you prior to the May 16 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Val Verde, Edwards, Kerr, Kendall, Bexar, Wilson, Karnes, Goliad, Victoria, and Jackson Counties, Texas, and all Texas counties lying south thereof.	January 15	November 30.
El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, and Cooke Counties, Texas, and all Texas Counties lying south and east thereof to and including Terrell, Crockett, Sutton, Kimble, Gillespie, Blanco, Comal, Guadalupe, Gonzales, De Witt, Lavaca, Colorado, Wharton, and Matagorda Counties, Texas.	February 15	November 30.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; South Carolina.	February 28	November 30.
All other Texas counties and all other states	March 15	November 30.

§ 407.12 Group risk plan for cotton.

The provisions of the Group Risk Plan for Cotton for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Removal of the seed cotton from the stalk.

NASS yield. The yield calculated by dividing the NASS estimate of upland cotton production in the county, by the NASS estimate of the acres of upland cotton in the county, as specified in the actuarial documents. The actuarial documents will specify whether harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the cotton seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Broadcast and subsequent mechanical incorporation of the cotton seed is not allowed.

2. Crop Insured

The insured crop will be all upland cotton:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Planted with the intent to be harvested; and

(d) That is not (unless allowed by the Special Provisions or by written agreement):

(1) Colored cotton lint;

(2) Planted into an established grass or legume;

(3) Interplanted with another spring planted crop;

(4) Grown on acreage in which a hay crop was harvested in the same calendar year unless the acreage is irrigated; or

(5) Grown on acreage on which a small grain crop reached the heading stage in the same calendar year unless the acreage is irrigated or adequate measures are taken to terminate the small grain crop prior to heading and less than 50 percent of the small grain plants reach the heading stage.

3. Payment.

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to July 16 following the crop year.

(c) We will issue any payment to you prior to the August 16 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Val Verde, Edwards, Kerr, Kendall, Bexar, Wilson, Karnes, Goliad, Victoria, and Jackson Counties, Texas, and all Texas counties lying south thereof.	January 15	November 30.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; South Carolina; El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, and Cooke Counties, Texas, and all Texas counties lying south and east thereof to and including Terrell, Crockett, Sutton, Kimble, Gillespie, Blanco, Comal, Guadalupe, Gonzales, De Witt, Lavaca, Colorado, Wharton, and Matagorda Counties, Texas.	February 28	November 30.
All other Texas counties and all other States	March 15	November 30.

§ 407.13 Group risk plan for forage.

The provisions of the Group Risk Plan for Forage for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Removal of the forage from the field, and rotational grazing.

NASS yield. The yield calculated by dividing the NASS estimate of the production of hay in the county by the NASS estimate of the acres of hay in the county, as specified in the actuarial documents. The actuarial documents will specify whether the harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land seeded to forage, by a planting method appropriate for forage, into a properly prepared seedbed.

Rotational grazing. The defoliation of the insured forage by livestock, within a pasturing system whereby the forage field is subdivided into smaller parcels and livestock are moved from one area to another, allowing a period of grazing followed by a period for forage regrowth.

2. Crop Insured

The insured crop will be the forage types shown on the Special Provisions:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Intended for harvest; and

(d) Not grown with another crop.

3. Insurable Acreage

In addition to section 3 of the Basic Provisions of the Group Risk Plan Common Policy, acreage seeded to forage after July 1 of the previous crop year will not be insurable. Acreage physically located in another county not listed on the accepted application is not insured under this policy.

4. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to May 1 following the crop year.

(c) We will issue any payment to you prior to the May 31 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

5. Program Dates

November 30 is the Cancellation and Termination Date for all states. The Contract Change Date is August 31 for all states.

6. Annual Premium

In lieu of section 8(g) of the Basic Provisions of the Group Risk Plan Common Policy, the annual premium is earned and payable on the acreage reporting date. You will be billed for premium due on the date shown in the Special Provisions. The premium will be determined based on the rate shown on the actuarial documents.

§ 407.14 Group risk plan for peanuts.

The provisions of the Group Risk Plan for Peanuts for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or threshing the peanuts.

NASS yield. The yield calculated by dividing the NASS estimate of peanut production in the county, by the NASS estimate of the acres of peanuts in the county, as specified in the actuarial documents. The actuarial documents will specify whether the harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the peanut seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice.

2. Crop Insured

The insured crop will be all peanuts:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Planted with the intent to be harvested as peanuts; and

(d) Not interplanted with an established grass or legume or interplanted with another crop.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to June 16 following the crop year.

(c) We will issue any payment to you prior to the July 16 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas and all Texas Counties lying south thereof.	January 15	November 30.
El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, Cooke Counties, Texas, and all Texas counties south and east thereof; and all other states except New Mexico, Oklahoma, and Virginia.	February 28	November 30.
New Mexico; Oklahoma; Virginia; and all other Texas Counties	March 15	November 30.

§ 407.15 Group risk plan for sorghum.

The provisions of the Group Risk Plan for Sorghum for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or threshing the sorghum for grain, or severing the stalk from the land and chopping the stalk and head for the purpose of livestock feed.

NASS yield. The yield calculated by dividing the NASS estimate of sorghum for grain production in the county, by the NASS estimate of the acres of sorghum for grain in the county, as specified in the actuarial documents. The actuarial documents will specify whether the harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the sorghum seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Broadcast and subsequent mechanical incorporation of the sorghum seed is not allowed.

2. Crop Insured

(a) The insured crop will be all sorghum:

(1) Grown on insurable acreage in the county or counties listed in the accepted application;

(2) Properly planted and reported by the acreage reporting date;

(3) Planted with the intent to be harvested as grain or silage; and

(4) Not interplanted with an established grass or legume or interplanted with another crop.

(b) Hybrid sorghum seed may only be insured if a written agreement exists between you and us. Your request to insure such crop must be in writing and submitted to your agent not later than the sales closing date.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to April 16 following the crop year.

(c) We will issue any payment to you prior to the May 16 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Val Verde, Edwards, Kerr, Kendall, Bexar, Wilson, Karnes, Goliad, Victoria, and Jackson Counties, Texas, and all Texas counties lying south thereof.	January 15	November 30.
El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, and Cooke Counties, Texas, and all Texas counties south and east thereof to and including Terrell, Crockett, Sutton, Kimble, Gillespie, Blanco, Comal, Guadalupe, Gonzales, De Witt, Lavaca, Colorado, Wharton, and Matagorda Counties, Texas.	February 15	November 30.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; and South Carolina.	February 28	November 30.
All other Texas counties and all other states	March 15	November 30.

§ 407.16 Group risk plan for soybean.

The provisions of the Group Risk Plan for Soybeans for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or threshing the soybeans.

NASS yield. The yield calculated by dividing the NASS estimate of soybean production in the county, by the NASS estimate of the acres of soybeans in the county, as specified in the actuarial documents. The actuarial documents will specify whether the harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the soybean seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Land on which seed is initially spread onto the soil surface by any method and which subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth, will also be considered planted.

2. Crop Insured

The insured crop will be all soybeans:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Planted with the intent to be harvested as soybeans; and

(d) Not planted into an established grass or legume or interplanted with another crop.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to April 16 following the crop year.

(c) We will issue any payment to you prior to the May 16 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified on the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

4. Program Dates

State and county	Cancellation and termination dates	Contract change date
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas and all Texas counties lying south thereof.	February 15	November 30.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; South Carolina; and El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Upton, Reagan, Sterling, Coke, Tom Green, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, and Cooke Counties, Texas, and all Texas counties lying south and east thereof to and including Maverick, Zavala, Frio, Atascosa, Karnes, De Witt, Lavaca, Colorado, Wharton, and Matagorda Counties, Texas.	February 28	November 30.
All other Texas counties and all other States	March 15	November.

§ 407.17 Group risk plan for wheat.

The provisions of the Group Risk Plan for Wheat for the 2000 and succeeding crop years are as follows:

1. Definitions

Harvest. Combining or threshing the wheat for grain.

NASS yield. The yield calculated by dividing the NASS estimate of the wheat production in the county, by the NASS estimate of the acres of wheat in the county, as specified in the actuarial documents. The actuarial documents will specify whether the harvested or planted acreage is used to calculate the yield used to establish the expected county yield and calculate indemnities.

Planted acreage. Land in which the wheat seed has been planted by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Land on which seed is initially spread onto the soil surface by any method and which subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth, will also be considered planted.

2. Crop Insured

The insured crop will be all wheat:

(a) Grown on insurable acreage in the county or counties listed in the accepted application;

(b) Properly planted and reported by the acreage reporting date;

(c) Planted with the intent to be harvested as grain; and

(d) Not planted into an established grass or legume, interplanted with another crop, or planted as a nurse crop, unless seeded at the normal rate and intended for harvest as grain.

3. Payment

(a) A payment will be made only if the payment yield for the insured crop year is less than your trigger yield.

(b) Payment yields will be determined prior to April 1 following the crop year.

(c) We will issue any payment to you prior to the May 1 immediately following our determination of the payment yield.

(d) The payment is equal to the payment calculation factor multiplied by your policy protection for each insured crop practice and type specified in the actuarial documents.

(e) The payment will not be recalculated even though the NASS yield may be subsequently revised.

State and county	Cancellation and termination dates	Contract change date
All Colorado counties except Alamosa, Conejos, Costilla, Rio Grande, and Saguache; all Montana counties except Daniels and Sheridan Counties; all South Dakota counties except Corson, Walworth, Edmonds, Faulk, Spink, Beadle, Kingsbury, Miner, McCook, Turner, and Yankton Counties and all South Dakota counties east thereof; all Wyoming counties except Big Horn, Fremont, Hot Springs, Park, and Washakie Counties; and all other states except Alaska, Arizona, California, Maine, Minnesota, Nevada, New Hampshire, North Dakota, Utah, and Vermont..	September 30	June 30.
Arizona; California; Nevada; and Utah	October 31	June 30.
Alaska; Alamosa, Conejos, Costilla, Rio Grande, and Saguache Counties, Colorado; Maine; Minnesota; Daniels and Sheridan Counties, Montana; New Hampshire; North Dakota; Corson, Walworth, Edmunds, Faulk, Spink, Beadle, Kingsbury, Miner, McCook, Turner, and Yankton Counties South Dakota, and all South Dakota counties east thereof; Vermont; and Big Horn, Fremont, Hot Springs, Park, and Washakie Counties, Wyoming..	March 15	November 30.

Signed in Washington, DC, on May 26, 1999.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 99–13983 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV99–930–2 IFR]

Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule revises the sampling techniques for whole and partial block diversions and increases the number of allowable partial block diversions under the Federal marketing order for tart cherries. These changes are intended to make the voluntary grower diversion program more flexible for grower participants. The order regulates the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin and is administered locally by the Cherry Industry Administrative Board (Board). The Board unanimously recommended this action.

DATES: Effective June 8, 1999; comments received by August 6, 1999, will be considered prior to issuance of a final rule.

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, PO Box 96456, Washington, DC 20090–6456, Fax: (202) 720–5698; or E-mail: moabdocket.clerk@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: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, F&V, AMS, USDA, room 2530–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 720–2491. Small businesses may request information on compliance 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 also view the marketing agreements and orders small business compliance guide at the following website: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930) regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the ''order.'' This 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 or USDA) 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 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 revises the sampling techniques used in determining the amount of production diverted from whole blocks and partial blocks of cherry trees, and increases the number of allowable partial block diversions per season under the order. Whole block diversion results when an entire orchard block is left unharvested. Partial block diversion occurs when a contiguous portion of a definable block is diverted. An orchard block is defined as a group of cherry trees of similar age, with rows aligned in the same direction, and

having definable boundaries (e.g., roads, ditches, or other permanent landmarks).

Section 930.58 of the tart cherry marketing order provides authority for voluntary grower diversion. Growers can divert all or a portion of their cherries which otherwise, upon delivery to a handler, would be subject to volume regulation. One of the ways handlers can satisfy their restricted percentage obligations is by redeeming grower diversion certificates. After the Board confirms that the grower diverted his/her crop, the Board issues a diversion certificate to the grower stating the weight of cherries diverted. The grower can present the certificate to a handler in lieu of actual cherries. The handler, in turn, can present the certificate to the Board. The Board then applies the weight of cherries represented by the certificate against the handler's restricted percentage obligation, which reduces the handler's restricted obligation.

Section 930.158 provides rules and regulations for grower diversion. Included in this section are procedures and deadline dates for applying for diversion and choosing the type of diversion available to growers. There are four types of diversion-random row, whole block, partial block, and in-orchard tank. This rule only makes changes to the whole and partial block diversions.

Grower applications for diversion must be filed by April 15 and growers must inform the Board by July 1 whether they elect to whole or partial block divert their tart cherries. If whole block or partial block diversion is not selected by July 1, the grower would have to choose the random row method or the in-orchard tank methods of diversion.

In whole and partial block diversion, the quantity of the fruit diverted is determined by application of a statistical sampling protocol. Currently, § 930.158 specifies that, if a block has 5 rows or less, 3 rows are randomly chosen to be sampled. If a block has 6 to 15 rows, 4 rows are randomly chosen to be sampled. If a block has 16 or more rows, 5 rows are randomly chosen to be sampled. Ten contiguous tree sites would be sampled from each row.

During its review of the grower diversion program, the Board concluded that the current sampling procedure, which is based solely on the number of rows in a block, requires more trees to be sampled on smaller blocks or on blocks that had short rows than is necessary to accurately determine the amount of tart cherries diverted. The Board determined that a sample size of approximately 10 to 15 percent which had been taken on larger orchard blocks with more trees in a row, was adequate to accurately calculate the quantity of fruit diverted from such orchard blocks. That sample size could easily be twice as large in small orchards having fewer trees per row. Therefore, the Board recommended that the regulations be amended so that the sample taken from both large and small orchard blocks would be about 10 to 15 percent.

To achieve this goal, the Board recommended that the sampling procedure be revised by taking into account the number of rows and number of tree sites in each particular block. The sampling method used would be the one requiring the smaller number of trees. A tree site is a planted tree or an area where a tree was planted and may have been uprooted or died. The recommended sampling procedure is as follows: If a block has 5 rows or less, or 200 or less tree sites, 3 rows would be randomly chosen to be sampled. If a block has 6 to 15 rows or 201–400 tree sites, 4 rows would be randomly chosen to be sampled. If a block has 16 or more rows and greater than 400 tree sites, 5 rows would be randomly chosen to be sampled. This procedure is expected to result in a sample size of about 12 to 15 percent whether the orchard block has long rows or short rows.

For example, under the current sampling criteria, if a grower has 10 rows with 20 tree sites per row (10×20 equals 200 tree sites), 4 rows would have to be sampled. Under these rules, only 3 rows would have to be sampled since there are 200 tree sites.

As is currently required, prior to sampling, the grower must notify the Board to allow observation of the sampling process by a compliance officer. The sampling method used would be the one requiring the smaller number of trees to be sampled. The compliance officer will use an orchard map in determining how many trees to sample.

To determine the yield for whole block diversion when five rows are to be sampled, 10 contiguous tree sites in each of the five rows are sampled. A total of 50 tree sites would be sampled ((10 original tree sites) X (5 rows)= 50 tree sites). If, for example, a total of 4,600 pounds is harvested from the sample tree sites and this is divided by 50 tree sites, a yield of 92 pounds per tree site will be obtained. The yield for the block is found by multiplying the calculated 92 pounds per tree site yield by the 880 tree sites that were mapped in the block to yield 80,960 pounds for that block.

For partial block diversion, the yield for the partial block is found by multiplying the calculated pounds per tree site yield by the number of trees in the rows mapped in the partial block. Partial blocks shall consist of contiguous rows.

After harvest, the compliance officer could again visit the grower's orchard to verify that diversion actually took place. A diversion certificate would be issued for an amount equal to the volume of cherries diverted. The grower could then present the certificate to a handler to be redeemed.

The second change to the regulations increases the number of partial blocks that growers may divert each season. Partial block diversion is when a contiguous portion of a definable block is diverted. Using this method of diversion, a grower having a block with 35 rows could divert contiguous rows 1 through 22 and harvest rows 23 through 35. Currently, section 930.158(b)(3) limits the number of partial block diversions to one partial block diversion for each grower per year. This limitation was intended to reduce the time that compliance officers needed to spend observing sampling and diversion activities at growers' orchards and the administrative costs involved.

After one year of diversion under these rules, the Board reevaluated the program and determined that the number of partial block diversions per grower per year could be increased from one to five, or 50 percent of a producer's total number of blocks. For example, if a grower has 12 separate orchard blocks mapped by the Board, such grower would now be able to divert up to 6 partial blocks. After reviewing last year's operations, the Board believes that its administrative costs will not increase materially by making this change. Because this method of diversion allows growers to divert cherries based on quality, the Board further believes that the ability to take advantage of partial block diversion on a larger scale will foster increased participation in the voluntary program.

The Regulatory Flexibility Act and Effects on Small Businesses

The Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has prepared this initial regulatory flexibility analysis. The Regulatory Flexibility Act (RFA) allows AMS to certify that regulations do not have a significant economic impact on a substantial number of small entities. However, as a matter of general policy, AMS' Fruit and Vegetable Programs (Programs) no longer opt for such certification, but rather perform regulatory flexibility analyses for any

rulemaking that would generate the interest of a significant number of small entities. Performing such analyses shifts the Programs' efforts from determining whether regulatory flexibility analyses are required to the consideration of regulatory options and economic or regulatory impacts.

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 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 40 handlers of tart cherries who are subject to regulation under the order and approximately 900 producers of tart cherries in the regulated area. The number of reported tart cherry producers in the regulated area is lower this crop year than in previous years (down from 1,220 producers) due to the Board receiving more accurate producer information. Small agricultural service firms, which includes handlers, 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. The majority of handlers and producers of tart cherries may be classified as small entities.

The principal demand for tart cherries is in the form of processed products. Tart cherries are dried, frozen, canned, juiced and pureed. During the period 1993/94 through 1997/98, approximately 89 percent of the U.S. tart cherry crop, or 281.1 million pounds, was processed annually. Of the 281.1 million pounds of tart cherries processed, 63 percent was frozen, 25 percent canned and 4 percent utilized for juice. The remaining 8 percent was dried or assembled into juice packs.

In 1998, 37.7 million pounds of cherries were diverted in the orchard. Of that total, 16.3 million pounds were whole block diversions and 8.4 million were partial block diversions. The balance of the grower diversions were random row and in-orchard tank diversions.

Section 930.58 of the tart cherry marketing order provides authority for voluntary grower diversion. Growers can divert all or a portion of their cherries which otherwise, upon delivery to a handler, would be subject to volume regulation. One of the ways handlers can satisfy their restricted percentage obligations is by redeeming grower diversion certificates. After the Board confirms that the grower diverted his/her crop, the Board issues the grower a diversion certificate stating the weight of cherries diverted. The grower can present the certificate to a handler in lieu of actual cherries. The handler, in turn, can present the certificate to the Board. The Board then applies the weight of cherries represented by the certificate against the handler's restricted percentage obligation, which reduces the handler's restricted obligation.

Section 930.158 provides rules and regulations for grower diversion. Included in this section are procedures and dates for applying for diversion. There are four types of diversion. However, this action only makes changes to the rules and regulations for whole and partial block diversions.

Grower applications for diversion must be filed by April 15 and growers must inform the Board by July 1 whether they elect to whole or partial block divert their tart cherries. If whole block or partial block diversion is not selected by July 1, the grower would have to choose the random row method or the in-orchard tank methods of diversion.

In whole and partial block diversions, the quantity of the fruit diverted is determined by application of a statistical sampling protocol. Currently, § 930.158 specifies that, if a block has 5 rows or less, 3 rows are randomly chosen to be sampled. If a block has 6 to 15 rows, 4 rows are randomly chosen to be sampled. If a block has 16 or more rows, 5 rows are randomly chosen to be sampled. Ten contiguous tree sites would be sampled from each row.

During its review of the grower diversion program, the Board concluded that the current sampling procedure which is based solely on the number of rows in a block, requires more trees to be sampled on smaller blocks or on blocks that had short rows than is necessary to accurately determine the amount of tart cherries diverted. The Board determined that a sample size of approximately 10 to 15 percent which had been taken on larger orchard blocks with more trees in a row, was adequate to accurately calculate the quantity of fruit diverted from such orchard blocks. That sample size could easily be twice as large in small orchards having fewer trees per row. Therefore, the Board recommended that the regulations be amended so that the sample taken from both large and small orchard blocks would be about 10 to 15 percent.

To achieve this goal, the Board recommended that the sampling procedure be revised by taking into account the number of rows and number of tree sites in each particular block. The sampling method used would be the one requiring the smaller number of trees. A tree site is a planted tree or an area where a tree was planted and may have been uprooted or died. The recommended sampling procedure is as follows: If a block has 5 rows or less, or 200 or less tree sites, 3 rows would be randomly chosen to be sampled. If a block has 6 to 15 rows or 201–400 tree sites, 4 rows would be randomly chosen to be sampled. If a block has 16 or more rows and greater than 400 tree sites, 5 rows would be randomly chosen to be sampled. This procedure is expected to result in a sample size of about 12 to 15 percent whether the orchard block has long rows or short rows.

The second change to the regulations increases the number of partial blocks that growers may divert each season. Partial block diversion is when a contiguous portion of a definable block is diverted. Using this method of diversion, a grower having a block with 35 rows could divert contiguous rows 1 through 22 and harvest rows 23 through 35. Currently, section 930.158(b)(3) limits the number of partial block diversions to one partial block diversion for each grower per year. This limitation was intended to reduce the time that compliance officers needed to spend observing sampling and diversion activities at growers' orchards and the administrative costs involved.

After one year of diversion under these rules, the Board reevaluated the program and determined that the number of partial block diversions per grower per year could be increased from one to five, or 50 percent of a producer's total number of blocks, without materially increasing administrative costs. Because this method of diversion allows growers to divert cherries based on quality, the Board further believes that the ability to take advantage of partial block diversion on a larger scale will foster increased participation in the voluntary program.

The Board considered not changing the partial block diversion limitation as well as allowing an unlimited number of diversions. However, after much discussion, the Board decided that the diversion program could best be improved by increasing the opportunities for grower diversion, but believed a reasonable limit was needed to keep Board administrative costs as low as possible. Last year's experience showed that partial block diversion is the most flexible diversion option

available to the grower because it allows growers to divert tart cherries based on quality. For example, if a grower observes that part of a block of tart cherries is of low quality, the problem rows can be diverted allowing the grower to deliver high quality fruit to a handler. The ability to choose in this manner benefits both growers, handlers, and the industry as a whole.

At the end of the upcoming season, the Board plans to review the number of partial block diversions approved and decide if the number of such diversions is appropriate for upcoming crop years.

This rule does not require any new forms and will not impose any additional recordkeeping requirements on either small or large tart cherry diversion participants. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules which duplicate, overlap or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this order have been previously approved by OMB and assigned OMB Number 0581–0177.

The Board's meetings were widely publicized throughout the tart cherry industry and all interested persons were invited to attend them and participate in Board deliberations. Like all Board meetings, the December 11–12, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on these issues. The Board itself is composed of 18 members, of which 17 members are growers and handlers and one represents the public. Also, the Board has a number of appointed committees to review program issues and make recommendations.

This rule invites comments on revising the sampling techniques for whole and partial block diversions and for increasing the number of allowable partial block diversions under the Federal marketing order for tart cherries. All comments received will be considered in making a final decision on this action. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes requirements by allowing growers the opportunity to divert more partial blocks and changes the sampling techniques for partial and whole block diversions to assure similar sample sizes regardless of orchard size; (2) this rule should be effective as soon as possible so growers can take advantage of these changes; (3) the Board unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 930.158, paragraphs (b)(2) and (b)(3) are revised to read as follows:

§ 930.158 Grower diversion and grower diversion certificates.

* * * * *

(b) * * *

(2) *Whole block diversion*. Based on maps supplied by the grower, a sampling procedure will be used to determine the amount of cherries in the orchard to be diverted. A block is defined as rows that run in the same direction, are similar in age, and have definable boundaries. The Board will require a number of tree sites to be sampled depending on the size of the block. A tree site is a planted tree or an area where a tree was planted and may have been uprooted or died. If a block has 5 rows or less, or 200 or less tree sites, 3 rows would be randomly chosen to be sampled, if a block has 6 to 15 rows, or 201–400 tree sites, 4 rows would be randomly chosen to be sampled, and if a block has 16 or more rows and greater than 400 tree sites, 5 rows would be randomly chosen to be sampled. The Board's compliance officer will apply the sampling procedure (based on the number of rows or the number of tree sites) which results in the fewest number of tree sites required to be sampled. From each of the rows to be sampled, ten contiguous tree sites will be sampled. Only trees more than five years old will be harvested for the sample. For example, if it is determined that five rows are to be sampled, 10 contiguous tree sites in each of the five rows will be subject to harvest. Trees within the 10 sites which are more than five years old will be harvested. The harvested tonnage will be converted to a volume that represents the entire block of cherries. If, for example, a total of 4,600 pounds is harvested from the sample tree sites and this total is divided by 50 tree sites a yield of 92 pounds per tree site is obtained. To find the total yield for the block, the 92 pounds per tree site yield is multiplied by the 880 tree sites that were mapped in the block and that equals 80,960 pounds for that block. The compliance officer would be allowed access to the block to oversee the sampling process and to confirm that the block has been diverted.

(3) *Partial block diversion*. Partial block diversion will also be accomplished using maps supplied by the grower. Sampling will be done as in whole block diversion except that only partial blocks would be selected and sampled. Growers may divert up to five partial blocks, or 50 percent of a grower's total number of blocks per year. Such block(s) must be mapped and will be sampled as described under whole block diversion. Rows used in partial block diversion must be contiguous.

* * * * *

Dated: June 1, 1999.

Bernadine M. Baker,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–14310 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV99–989–3 FIR]

Raisins Produced From Grapes Grown In California; Final Free and Reserve Percentages for 1998–99 Zante Currant Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule without change, the provisions of an interim final rule which established final volume regulation percentages for 1998–99 Zante Currant 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). The volume regulation percentages are 85 percent free and 15 percent reserve. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the Committee and are disposed of through various programs authorized under the order. The volume regulation percentages are intended to help the industry manage its supply of Zante Currant raisins and strengthen market conditions.

EFFECTIVE DATE: July 7, 1999.

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, PO 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, PO 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This rule continues to establish final free and reserve percentages for Zante Currant raisins for the 1998–99 crop year, which began August 1, 1998, and ends July 31, 1999. 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 continues to establish final volume regulation percentages for 1998–99 crop Zante Currant raisins covered under the order. The volume regulation percentages are 85 percent free and 15 percent reserve. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the Committee and are disposed of through various programs authorized under the order. For example, 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. The volume regulation percentages are intended to help the industry manage its supply of Zante Currant raisins and strengthen market conditions. Final percentages were recommended by the Committee at a meeting on February 11, 1999.

Section 989.54 of the order prescribes the procedures and time frames to be followed in establishing volume regulation. This includes methodology used to calculate percentages. Pursuant to § 989.54(a) of the order, the Committee met on August 13, 1998, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The Committee computed a trade demand for each varietal type for which a free tonnage percentage might be recommended. Trade demand is computed using a formula specified in the order and, for each varietal type, is equal to 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use into all market outlets, adjusted by subtracting the carrying on August 1 of the current crop year and by adding the desirable carryout at the end of that crop year. As specified in § 989.154, the desirable carryout for each varietal type is equal to the shipments of free tonnage raisins of the prior crop year during the months of August, September, and one-half of October. In accordance with these provisions, the Committee computed and announced a 1998–99 trade demand for Zante Currant raisins at 3,215 tons as shown below.

COMPUTED TRADE DEMAND

[Natural condition tons]

	Zante currant raisins
Prior year's shipments	4,121
Multiplied by 90 percent	0.90
Equals adjusted base	3,709
Minus carryin inventory	1,188
Plus desirable carryout	694
Equals computed trade demand	3,215

Section 989.54(b) of the order requires that the Committee announce, on or before October 5, preliminary crop estimates and determine whether volume regulation is warranted for the varietal types for which it computed a trade demand. That section allows the Committee to extend the October 5 date

up to 5 business days if warranted by a late crop.

The 1998–99 crop was unusually late because of the combined effect of adverse crop conditions during the spring of 1998 created by the weather phenomenon known as El Nino, scattered rain during the fall harvest, and a shortage of labor once the grapes were ready for harvest. The crop is normally harvested during late August and early September; this season's crop was harvested about 3–4 weeks later.

Because of the late crop, the Committee met on October 8, 1998, and announced preliminary crop estimates for all nine varietal types of raisins covered under the order. To guard against an underestimation of the crop, the Committee computed preliminary volume regulation percentages for five of the nine varietal types of raisins covered under the order—Dipped Seedless, Natural (sun-dried) Seedless (Naturals), Oleate and Related Seedless, Other Seedless, and Zante Currant raisins. The total crop was initially estimated at 321,486 tons.

As more information became available during the following months, the Committee determined that volume regulation was only warranted for Zante Currant raisins. The other varietal types of raisins for which preliminary percentages were computed are produced from grapes that mature later than Zante Currants, and thus the crop sizes for these varietal types were more adversely affected by the poor weather conditions and labor problems. The Committee ultimately determined that the supplies of these other varietal types would be less than or close to their computed trade demands, and that volume regulation percentages were not needed. Based on the most recent information available, the total crop estimate was reduced from 321,486 to 276,510 tons. This is the first time in 16 years that volume regulation was not implemented for Naturals, the major varietal type of California raisin (crop estimate reduced from 280,092 to 235,000 tons, about 35 percent lower than the 10-year average of 360,183 tons). As in past seasons, the Committee submitted its marketing policy to the Department for review.

Regarding Zante Currant raisins, the Committee announced its preliminary crop estimate at its October 1998 meeting at 3,684 tons. As indicated in the preceding paragraph, Zante Currants mature earlier than the other varietal types of raisins covered under the order. Thus, producers were able to harvest their Zante Currants before it rained in the production area and before labor was in short supply. With the preliminary crop estimate (3,684 tons), 1997–98 carryin inventory (1,188 tons), and reserve raisins released for free use through an export program (483 tons) totaling to a supply of 5,355 tons, about 66 percent higher than trade demand (3,215 tons), and the 1997–98 carryin inventory (1,188 tons) about 71 percent higher than the desirable inventory (694 tons), the Committee determined that volume regulation for Zante Currant raisins was warranted.

At the October meeting, the Committee also computed preliminary free and reserve percentages for Zante Currants which released 65 percent of the computed trade demand since the field price had not been established. The preliminary percentages were 57 percent free and 43 percent reserve. These percentages were modified to release 85 percent of the trade demand on October 16, 1998, when the Zante Currant field price was established. The Zante Currant preliminary percentages were thus modified to 74 percent free and 26 percent reserve. The Committee met on November 13, 1998, and announced interim percentages for Zante Currant raisins at 85 percent free and 15 percent reserve which, based on the 3,684 ton crop estimate, released less than the computed trade demand. On January 15, 1999, the Committee revised its crop estimate for Zante Currants from 3,684 to 3,801 tons.

Various programs to utilize reserve Zante Currant raisins were implemented when volume regulation was in effect during the 1994–95, 1995–96, and 1997–98 seasons to help reduce inventories, and help strengthen total producer prices (which includes proceeds from both free tonnage plus reserve pool Zante Currants) from $412.56 per ton in 1994–95 to an estimated high of $730 per ton in 1997–98. The Committee is implementing a reserve program this year which is expected to help the industry export more Zante Currants, thereby reducing the industry's oversupply, helping to build export markets, and ultimately improving producer returns.

Without such programs, the Committee estimates that its export shipments would be reduced, thereby reducing overall Zante Currant shipments for the crop year. Reduced shipments for the current year would create a high carryin inventory which would result in a lower computed trade demand for next year, a lower free tonnage percentage, should volume regulation be implemented, and likely reduced returns to 1999–2000 crop raisin producers. The implementation of volume regulation for 1998–99 Zante Currant raisins is expected to help manage supply and strengthen market conditions.

As required under § 989.54(d) of the order, the Committee recommended to the Secretary at its meeting on February 11, 1999, final free and reserve percentages for Zante Currant raisins which, when applied to the final production estimate, will tend to release the full trade demand for Zante Currants. With the increased crop estimate of 3,801 tons, final percentages computed to the same figures as the interim percentages—85 percent free and 15 percent reserve. The Committee's calculations to arrive at final percentages are shown in the table below.

FINAL VOLUME REGULATION PERCENTAGES

[Tonnage as natural condition weight]

	Zante currant raisins
Trade demand	3,215
Divided by crop estimate	3,801
Equals free percentage	85
100 minus free percentage equals reserve percentage	15

In addition, the Department's ''Guidelines for Fruit, Vegetable, and Speciality Crop Marketing Orders'' (Guidelines) specify that 110 percent of recent years' sales should be made available to primary markets each season for marketing orders utilizing reserve pool authority. This goal has been met for Zante Currants by the establishment of final percentages which released 100 percent of the trade demand and the offer of additional reserve raisins for sale to handlers under the ''10 plus 10 offers.'' As specified in § 989.54(g), the 10 plus 10 offers are two offers of reserve pool raisins which are made available to handlers during each season. Handlers may sell their 10 plus 10 raisins to any market. For each such offer, a quantity of reserve raisins equal to 10 percent of the prior year's shipments is made available for free use.

About 824 tons of raisins were made available in the 10 plus 10 offers (which included 423 tons of remaining 1997 reserve Zante Currants), or 412 tons per offer. Both offers were held simultaneously in March 1999. Adding the 824 tons of 10 plus 10 raisins to the 3,215 ton trade demand figure, plus 1,188 tons of 1997–98 carryin inventory equates to about 5,227 tons natural condition raisins or 4,645 tons packed raisins that were made available for free use, or to the primary market. This is 127 percent of the quantity of Zante Currants shipped in 1997 (4,121 tons

natural condition tons or 3,662 packed tons).

In addition to the 10 plus 10 offers, § 989.67(j) of the order provides authority for sales of reserve raisins to handlers under certain conditions such as a national emergency, crop failure, change in economic or marketing conditions, or if free tonnage shipments in the current crop year exceed shipments of a comparable period of the prior crop year. Such reserve raisins may be sold by handlers to any market. These additional offers of reserve raisins would thus make even more raisins available to primary markets which is consistent with the Department's Guidelines.

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 final 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. Almost all of the 20 handlers handled, and about 130 of the 4,500 raisin producers produced Zante Currants during the 1998–99 crop year. 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.

Pursuant to § 989.54(d) of the order, this rule continues to establish final volume regulation percentages for 1998–99 crop Zante Currant raisins. The volume regulation percentages are 85 percent free and 15 percent reserve. Free tonnage raisins may be sold by handlers to any market. Reserve raisins must be held in a pool for the account of the Committee and are disposed of through certain programs authorized under the order. Volume regulation is warranted for Zante Currants this season because the crop estimate of 3,801 tons combined with the 1997–98 carryin inventory of 1,188 tons, plus 483 tons of reserve raisins released for free use through an export program, results in a supply of 5,472 tons which exceeds the trade demand of 3,215 tons by about 70 percent. The volume regulation percentages are intended to help the industry manage its supply of Zante Currant raisins and strengthen market conditions.

Many years of marketing experience led to the development of the current volume regulation procedures. These procedures have helped the industry address its marketing problems by keeping supplies in balance with domestic and export market needs, and strengthening market conditions. The current volume regulation procedures fully supply the domestic and export markets, provide for market expansion, and help prevent oversupplies in the domestic market.

The free and reserve percentages established by this rule release the full trade demand and apply uniformly to all handlers in the industry, regardless of size. With the exception of the 1996–97 season, small and large Zante Currant raisin producers and handlers have been operating under volume regulation percentages every year since 1994–95. There are no known additional costs incurred by small handlers that are not incurred by large handlers. All handlers are regulated based on the quantity of raisins which they acquire from producers. While the level of benefits of this rulemaking are difficult to quantify, the stabilizing effects of volume regulation impact both small and large handlers positively by helping them maintain orderly marketing conditions by managing supply.

Various programs to utilize reserve Zante Currant raisins were implemented when volume regulation was in effect during the 1994–95, 1995–96, and 1997–98 seasons. As shown in the table following this paragraph, although production varied during those years, volume regulation helped to reduce inventories, and helped to strengthen total producer prices (which includes proceeds from both free tonnage plus reserve pool Zante Currants) from $412.56 per ton in 1994–95 to an estimated high of $730 per ton in 1997–98. The Committee is implementing a reserve program this year which is expected to help the industry export more Zante Currants, thereby reducing the industry's oversupply, helping to build export markets, and ultimately improving producer returns.

ZANTE CURRANT INVENTORIES AND PRODUCER PRICES DURING YEARS OF VOLUME REGULATION

[*Natural condition tons]

Crop year	Production*	Inventory*		Total season average producer prices (per ton)
		Desirable	Physical	
1994–95	5,377	837	4,364	$412.56
1995–96	3,294	782	2,890	711.32
1996–97	4,491	987	549	[1] 1,150.00
1997–98	4,826	694	1,188	730.00

[1] No volume regulation.

Free and reserve percentages are established by variety, and only in years when the supply exceeds the trade demand by a large enough margin that the Committee believes volume regulation is necessary to maintain market stability. Accordingly, in assessing whether to apply volume regulation or, as an alternative, not to apply such regulation, the Committee recommended that volume regulation was only warranted for Zante Currant raisins this season. Preliminary volume regulation percentages were computed and announced in October 1998 for four other varietal types of California raisins. As more information became available in the following months, the Committee

determined that the supplies of these other varietal types would be less than or close to their computed trade demands; thus, the Committee determined that volume regulation was not warranted.

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. The requirements are the same as those applied last season. Thus, this action imposes no additional reporting or recordkeeping burdens 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 studied to reduce or eliminate duplicate information collection burdens by industry and public sector agencies.

In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

Further, Committee and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members, including small business entities, and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Committee recommendations can be considered to represent the interests of small business entities in the industry.

An interim final rule concerning this action was published in the **Federal Register** on March 8, 1999. Copies of the rule were mailed to all Committee members and alternates, the Raisin Bargaining Association, handlers and dehydrators. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended May 7, 1999 (64 FR 10919). No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

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 amended to read as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 64 FR 10919 on March 8, 1999, is adopted as a final rule without change.

Dated: June 1, 1999.

Bernadine M. Baker,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–14311 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN–99–002]

1999 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations by lowering the value assigned to imported cotton for the purpose of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This action is required by this regulation on an annual basis to ensure that the assessments collected on imported cotton and the cotton content of imported products remain similar to those paid on domestically produced cotton.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Whitney Rick, (202) 720–2259.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be ''not significant'' for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Cotton Research and Promotion Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person 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 person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

There are an estimated 16,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. This rule will affect importers of cotton and cotton-containing products. The majority of these importers are small businesses under the criteria established by the Small Business Administration. This rule will lower the assessments paid by the importers under the Cotton Research and Promotion Order. Even though the assessment will be lowered, the decrease is small and will not significantly affect small businesses.

The current assessment on imported cotton is $0.011850 per kilogram of imported cotton. The amended assessment is $0.011397, a decrease of $0.000453 or a 3.8 percent decrease from the current assessment. From January through December 1998 approximately $20.9 million was collected at the $0.011850 per kilogram rate. Should the volume of cotton

products imported into the U.S. remain at the same level in 1999, one could expect the decreased assessment to generate $20.1 million or a 3.8 percent decrease from 1998.

Paperwork Reduction

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093.

Background

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program.

These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of the right of cotton producers to demand a refund of assessments.

An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17–26, 1991 and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). Proposed rules implementing the amended Order were published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This rule will decrease the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510 (b) (2)). This value is used to calculate supplemental assessments on imported cotton and the cotton content of imported products. Supplemental assessments are the second part of a two-part assessment. The first part of the assessment is levied on the weight of cotton produced or imported at a rate of $1 per bale of cotton which is equivalent to 500 pounds or $1 per 226.8 kilograms of cotton.

Supplemental assessments are levied at a rate of five-tenths of one percent of the value of domestically produced cotton, imported cotton, and the cotton content of imported products. The agency has adopted the practice of assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is done so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products remain similar. The source for the average price statistic is ''Agricultural Prices'', a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products yields an assessment that approximates assessments paid on domestically produced cotton in the prior calendar year.

The current value of imported cotton as published in the **Federal Register** (63 FR 27818) on May 21, 1998, for the purpose of calculating supplemental assessments on imported cotton is $1.4881 per kilogram. This number was calculated using the annual weighted average price received by farmers for Upland cotton during the calendar year 1997 which was $0.675 per pound and multiplying by the conversation factor 2.2046. Using the Average Weighted Price Received by U.S. farmers for Upland cotton for the calendar year 1998, which is $0.634 per pound, the new value of imported cotton is $1.3977 per kilogram. The amended value is $0.0904 per kilogram less than the previous value.

An example of the complete assessment formula and how the various figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar Per Bale Assessment Converted to Kilograms

A 500 pound bale equals 226.8 kg. (500 × .453597).

$1 per bale assessment equals $0.002000 per pound (1 ÷ 500) or $0.004409 per kg. (1 ÷ 226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms.

The 1998 calendar year weigthed average price received by producers for Upland cotton is $0.634 per pound or $1.3977 per kg. (0.634 × 2.2046) = 1.3977.

Five tenths of one percent of the average price in kg. equals $0.006988 per kg. (1.3977 × .005).

Total Assessment

The total assessment per kilogram of raw cotton in obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.006988 per kg. which equals $0.011397 per kg.

The current assessment on imported cotton is $0.011850 per kilogram of imported cotton. The amended assessment is $0.011397, a decrease of $0.000453 per kilogram. This decrease reflects the decrease in the Average Weighted Price of Upland Cotton Received by U.S. Farmers during the period January through December 1998.

Since the value of cotton is the basis of the supplemental assessment calculation and the figures shown in the right hand column of the Import Assessment Table 1205.510 (b)(3) are a result of such a calculation, the figures in this table have been revised. These figures indicate the total assessment per kilogram due for each Harmonized Tariff Schedule (HTS) number subject to assessment.

One HTS number subject to assessment pursuant to this regulation and found in the assessment table has been changed. In order to maintain consistency between the HTS and the assessment table, the changes to this one number have been incorporated into the assessment table. The last two digits of this number were changed to provide for statistical reporting purposes and involve no physical change to the products they represent. Therefore, the assessment rate is not affected by the change. The assessment rate for the one number has been applied to each of the new replacement numbers in the assessment table. The following table represents the changes:

Old No.	New No.	Conversion factor	Assessment cents/kg.
6302100010	6302100005	1.1689	1.3322
	6302100008	1.1689	1.3322
	6302100015	1.1689	1.3322

A proposed rule with a request for comments was published in the **Federal Register** (64 FR 19072) on April 19, 1999. No comments were received during the comment period (April 19 through May 19, 1999).

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1205 is amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(1) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is $1.3977 per kilogram.

(3) * * *

(i) * * *

(ii) * * *

IMPORT ASSESSMENT TABLE

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5201000500 ..	0	1.1397
5201001200 ..	0	1.1397
5201001400 ..	0	1.1397
5201001800 ..	0	1.1397
5201002200 ..	0	1.1397
5201002400 ..	0	1.1397
5201002800 ..	0	1.1397
5201003400 ..	0	1.1397
5201003800 ..	0	1.1397
5204110000 ..	1.1111	1.2663
5204200000 ..	1.1111	1.2663
5205111000 ..	1.1111	1.2663
5205112000 ..	1.1111	1.2663
5205121000 ..	1.1111	1.2663
5205122000 ..	1.1111	1.2663
5205131000 ..	1.1111	1.2663
5205132000 ..	1.1111	1.2663
5205141000 ..	1.1111	1.2663
5205210020 ..	1.1111	1.2663
5205210090 ..	1.1111	1.2663
5205220020 ..	1.1111	1.2663

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5205220090 ..	1.1111	1.2663
5205230020 ..	1.1111	1.2663
5205230090 ..	1.1111	1.2663
5205240020 ..	1.1111	1.2663
5205240090 ..	1.1111	1.2663
5205310000 ..	1.1111	1.2663
5205320000 ..	1.1111	1.2663
5205330000 ..	1.1111	1.2663
5205340000 ..	1.1111	1.2663
5205410020 ..	1.1111	1.2663
5205410090 ..	1.1111	1.2663
5205420020 ..	1.1111	1.2663
5205420090 ..	1.1111	1.2663
5205440020 ..	1.1111	1.2663
5205440090 ..	1.1111	1.2663
5206120000 ..	0.5556	0.6332
5206130000 ..	0.5556	0.6332
5206140000 ..	0.5556	0.6332
5206220000 ..	0.5556	0.6332
5206230000 ..	0.5556	0.6332
5206240000 ..	0.5556	0.6332
5206310000 ..	0.5556	0.6332
5207100000 ..	1.1111	1.2663
5207900000 ..	0.5556	0.6332
5208112020 ..	1.1455	1.3055
5208112040 ..	1.1455	1.3055
5208112090 ..	1.1455	1.3055
5208114020 ..	1.1455	1.3055
5208114060 ..	1.1455	1.3055
5208114090 ..	1.1455	1.3055
5208118090 ..	1.1455	1.3055
5208124020 ..	1.1455	1.3055
5208124040 ..	1.1455	1.3055
5208124090 ..	1.1455	1.3055
5208126020 ..	1.1455	1.3055
5208126040 ..	1.1455	1.3055
5208126060 ..	1.1455	1.3055
5208126090 ..	1.1455	1.3055
5208128020 ..	1.1455	1.3055
5208128090 ..	1.1455	1.3055
5208130000 ..	1.1455	1.3055
5208192020 ..	1.1455	1.3055
5208192090 ..	1.1455	1.3055
5208194020 ..	1.1455	1.3055
5208194090 ..	1.1455	1.3055
5208196020 ..	1.1455	1.3055
5208196090 ..	1.1455	1.3055
5208224040 ..	1.1455	1.3055
5208224090 ..	1.1455	1.3055
5208226020 ..	1.1455	1.3055
5208226060 ..	1.1455	1.3055
5208228020 ..	1.1455	1.3055
5208230000 ..	1.1455	1.3055
5208292020 ..	1.1455	1.3055
5208292090 ..	1.1455	1.3055
5208294090 ..	1.1455	1.3055
5208296090 ..	1.1455	1.3055
5208298020 ..	1.1455	1.3055
5208312000 ..	1.1455	1.3055
5208321000 ..	1.1455	1.3055
5208323020 ..	1.1455	1.3055
5208323040 ..	1.1455	1.3055
5208323090 ..	1.1455	1.3055
5208324020 ..	1.1455	1.3055
5208324040 ..	1.1455	1.3055
5208325020 ..	1.1455	1.3055
5208330000 ..	1.1455	1.3055
5208392020 ..	1.1455	1.3055
5208392090 ..	1.1455	1.3055

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5208394090 ..	1.1455	1.3055
5208396090 ..	1.1455	1.3055
5208398020 ..	1.1455	1.3055
5208412000 ..	1.1455	1.3055
5208416000 ..	1.1455	1.3055
5208418000 ..	1.1455	1.3055
5208421000 ..	1.1455	1.3055
5208423000 ..	1.1455	1.3055
5208424000 ..	1.1455	1.3055
5208425000 ..	1.1455	1.3055
5208430000 ..	1.1455	1.3055
5208492000 ..	1.1455	1.3055
5208494020 ..	1.1455	1.3055
5208494090 ..	1.1455	1.3055
5208496010 ..	1.1455	1.3055
5208496090 ..	1.1455	1.3055
5208498090 ..	1.1455	1.3055
5208512000 ..	1.1455	1.3055
5208516060 ..	1.1455	1.3055
5208518090 ..	1.1455	1.3055
5208523020 ..	1.1455	1.3055
5208523045 ..	1.1455	1.3055
5208523090 ..	1.1455	1.3055
5208524020 ..	1.1455	1.3055
5208524045 ..	1.1455	1.3055
5208524065 ..	1.1455	1.3055
5208525020 ..	1.1455	1.3055
5208530000 ..	1.1455	1.3055
5208592025 ..	1.1455	1.3055
5208592095 ..	1.1455	1.3055
5208594090 ..	1.1455	1.3055
5208596090 ..	1.1455	1.3055
5209110020 ..	1.1455	1.3055
5209110035 ..	1.1455	1.3055
5209110090 ..	1.1455	1.3055
5209120020 ..	1.1455	1.3055
5209120040 ..	1.1455	1.3055
5209190020 ..	1.1455	1.3055
5209190040 ..	1.1455	1.3055
5209190060 ..	1.1455	1.3055
5209190090 ..	1.1455	1.3055
5209210090 ..	1.1455	1.3055
5209220020 ..	1.1455	1.3055
5209220040 ..	1.1455	1.3055
5209290040 ..	1.1455	1.3055
5209290090 ..	1.1455	1.3055
5209313000 ..	1.1455	1.3055
5209316020 ..	1.1455	1.3055
5209316035 ..	1.1455	1.3055
5209316050 ..	1.1455	1.3055
5209316090 ..	1.1455	1.3055
5209320020 ..	1.1455	1.3055
5209320040 ..	1.1455	1.3055
5209390020 ..	1.1455	1.3055
5209390040 ..	1.1455	1.3055
5209390060 ..	1.1455	1.3055
5209390080 ..	1.1455	1.3055
5209390090 ..	1.1455	1.3055
5209413000 ..	1.1455	1.3055
5209416020 ..	1.1455	1.3055
5209416040 ..	1.1455	1.3055
5209420020 ..	1.0309	1.1749
5209420040 ..	1.0309	1.1749
5209430030 ..	1.1455	1.3055
5209430050 ..	1.1455	1.3055
5209490020 ..	1.1455	1.3055
5209490090 ..	1.1455	1.3055
5209516035 ..	1.1455	1.3055
5209516050 ..	1.1455	1.3055

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5209520020 ..	1.1455	1.3055
5209590025 ..	1.1455	1.3055
5209590040 ..	1.1455	1.3055
5209590090 ..	1.1455	1.3055
5210114020 ..	0.6873	0.7833
5210114040 ..	0.6873	0.7833
5210116020 ..	0.6873	0.7833
5210116040 ..	0.6873	0.7833
5210116060 ..	0.6873	0.7833
5210118020 ..	0.6873	0.7833
5210120000 ..	0.6873	0.7833
5210192090 ..	0.6873	0.7833
5210214040 ..	0.6873	0.7833
5210216020 ..	0.6873	0.7833
5210216060 ..	0.6873	0.7833
5210218020 ..	0.6873	0.7833
5210314020 ..	0.6873	0.7833
5210314040 ..	0.6873	0.7833
5210316020 ..	0.6873	0.7833
5210318020 ..	0.6873	0.7833
5210414000 ..	0.6873	0.7833
5210416000 ..	0.6873	0.7833
5210418000 ..	0.6873	0.7833
5210498090 ..	0.6873	0.7833
5210514040 ..	0.6873	0.7833
5210516020 ..	0.6873	0.7833
5210516040 ..	0.6873	0.7833
5210516060 ..	0.6873	0.7833
5211110090 ..	0.6873	0.7833
5211120020 ..	0.6873	0.7833
5211190020 ..	0.6873	0.7833
5211190060 ..	0.6873	0.7833
5211210025 ..	0.6873	0.7833
5211210035 ..	0.4165	0.4747
5211210050 ..	0.6873	0.7833
5211290090 ..	0.6873	0.7833
5211320020 ..	0.6873	0.7833
5211390040 ..	0.6873	0.7833
5211390060 ..	0.6873	0.7833
5211490020 ..	0.6873	0.7833
5211490090 ..	0.6873	0.7833
5211590025 ..	0.6873	0.7833
5212146090 ..	0.9164	1.0444
5212156020 ..	0.9164	1.0444
5212216090 ..	0.9164	1.0444
5509530030 ..	0.5556	0.6332
5509530060 ..	0.5556	0.6332
5513110020 ..	0.4009	0.4569
5513110040 ..	0.4009	0.4569
5513110060 ..	0.4009	0.4569
5513110090 ..	0.4009	0.4569
5513120000 ..	0.4009	0.4569
5513130020 ..	0.4009	0.4569
5513210020 ..	0.4009	0.4569
5513310000 ..	0.4009	0.4569
5514120020 ..	0.4009	0.4569
5516420060 ..	0.4009	0.4569
5516910060 ..	0.4009	0.4569
5516930090 ..	0.4009	0.4569
5601210010 ..	1.1455	1.3055
5601210090 ..	1.1455	1.3055
5601300000 ..	1.1455	1.3055
5602109090 ..	0.5727	0.6527
5602290000 ..	1.1455	1.3055
5602906000 ..	0.526	0.5995
5604900000 ..	0.5556	0.6332
5607902000 ..	0.8889	1.0131
5608901000 ..	1.1111	1.2663
5608902300 ..	1.1111	1.2663

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5609001000 ..	1.1111	1.2663
5609004000 ..	0.5556	0.6332
5701104000 ..	0.0556	0.0634
5701109000 ..	0.1111	0.1266
5701901010 ..	1.0444	1.1903
5702109020 ..	1.1	1.2537
5702312000 ..	0.0778	0.0887
5702411000 ..	0.0722	0.0823
5702412000 ..	0.0778	0.0887
5702421000 ..	0.0778	0.0887
5702913000 ..	0.0889	0.1013
5702991010 ..	1.1111	1.2663
5702991090 ..	1.1111	1.2663
5703900000 ..	0.4489	0.5116
5801210000 ..	1.1455	1.3055
5801230000 ..	1.1455	1.3055
5801250010 ..	1.1455	1.3055
5801250020 ..	1.1455	1.3055
5801260020 ..	1.1455	1.3055
5802190000 ..	1.1455	1.3055
5802300030 ..	0.5727	0.6527
5804291000 ..	1.1455	1.3055
5806200010 ..	0.3534	0.4028
5806200090 ..	0.3534	0.4028
5806310000 ..	1.1455	1.3055
5806400000 ..	0.4296	0.4896
5808107000 ..	0.5727	0.6527
5808900010 ..	0.5727	0.6527
5811002000 ..	1.1455	1.3055
6001106000 ..	1.1455	1.3055
6001210000 ..	0.8591	0.9791
6001220000 ..	0.2864	0.3264
6001910010 ..	0.8591	0.9791
6001910020 ..	0.8591	0.9791
6001920020 ..	0.2864	0.3264
6001920030 ..	0.2864	0.3264
6001920040 ..	0.2864	0.3264
6002203000 ..	0.8681	0.9894
6002206000 ..	0.2894	0.3298
6002420000 ..	0.8681	0.9894
6002430010 ..	0.2894	0.3298
6002430080 ..	0.2894	0.3298
6002921000 ..	1.1574	1.3191
6002930040 ..	0.1157	0.1319
6002930080 ..	0.1157	0.1319
6101200010 ..	1.0094	1.1504
6101200020 ..	1.0094	1.1504
6102200010 ..	1.0094	1.1504
6102200020 ..	1.0094	1.1504
6103421020 ..	0.8806	1.0036
6103421040 ..	0.8806	1.0036
6103421050 ..	0.8806	1.0036
6103421070 ..	0.8806	1.0036
6103431520 ..	0.2516	0.2867
6103431540 ..	0.2516	0.2867
6103431550 ..	0.2516	0.2867
6103431570 ..	0.2516	0.2867
6104220040 ..	0.9002	1.026
6104220060 ..	0.9002	1.026
6104320000 ..	0.9207	1.0493
6104420010 ..	0.9002	1.026
6104420020 ..	0.9002	1.026
6104520010 ..	0.9312	1.0613
6104520020 ..	0.9312	1.0613
6104622006 ..	0.8806	1.0036
6104622011 ..	0.8806	1.0036
6104622016 ..	0.8806	1.0036
6104622021 ..	0.8806	1.0036
6104622026 ..	0.8806	1.0036

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6104622028 ..	0.8806	1.0036
6104622030 ..	0.8806	1.0036
6104622060 ..	0.8806	1.0036
6104632006 ..	0.3774	0.4301
6104632011 ..	0.3774	0.4301
6104632026 ..	0.3774	0.4301
6104632028 ..	0.3774	0.4301
6104632030 ..	0.3774	0.4301
6104632060 ..	0.3774	0.4301
6104692030 ..	0.3858	0.4397
6105100010 ..	0.985	1.1226
6105100020 ..	0.985	1.1226
6105100030 ..	0.985	1.1226
6105202010 ..	0.3078	0.3508
6105202030 ..	0.3078	0.3508
6106100010 ..	0.985	1.1226
6106100020 ..	0.985	1.1226
6106100030 ..	0.985	1.1226
6106202010 ..	0.3078	0.3508
6106202030 ..	0.3078	0.3508
6107110010 ..	1.1322	1.2904
6107110020 ..	1.1322	1.2904
6107120010 ..	0.5032	0.5735
6107210010 ..	0.8806	1.0036
6107220015 ..	0.3774	0.4301
6107220025 ..	0.3774	0.4301
6107910040 ..	1.2581	1.4339
6108210010 ..	1.2445	1.4184
6108210020 ..	1.2445	1.4184
6108310010 ..	1.1201	1.2766
6108310020 ..	1.1201	1.2766
6108320010 ..	0.2489	0.2837
6108320015 ..	0.2489	0.2837
6108320025 ..	0.2489	0.2837
6108910005 ..	1.2445	1.4184
6108910015 ..	1.2445	1.4184
6108910025 ..	1.2445	1.4184
6108910030 ..	1.2445	1.4184
6108920030 ..	0.2489	0.2837
6109100005 ..	0.9956	1.1347
6109100007 ..	0.9956	1.1347
6109100009 ..	0.9956	1.1347
6109100012 ..	0.9956	1.1347
6109100014 ..	0.9956	1.1347
6109100018 ..	0.9956	1.1347
6109100023 ..	0.9956	1.1347
6109100027 ..	0.9956	1.1347
6109100037 ..	0.9956	1.1347
6109100040 ..	0.9956	1.1347
6109100045 ..	0.9956	1.1347
6109100060 ..	0.9956	1.1347
6109100065 ..	0.9956	1.1347
6109100070 ..	0.9956	1.1347
6109901007 ..	0.3111	0.3546
6109901009 ..	0.3111	0.3546
6109901049 ..	0.3111	0.3546
6109901050 ..	0.3111	0.3546
6109901060 ..	0.3111	0.3546
6109901065 ..	0.3111	0.3546
6109901090 ..	0.3111	0.3546
6110202005 ..	1.1837	1.3491
6110202010 ..	1.1837	1.3491
6110202015 ..	1.1837	1.3491
6110202020 ..	1.1837	1.3491
6110202025 ..	1.1837	1.3491
6110202030 ..	1.1837	1.3491
6110202035 ..	1.1837	1.3491
6110202040 ..	1.1574	1.3191
6110202045 ..	1.1574	1.3191

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6110202065 ..	1.1574	1.3191
6110202075 ..	1.1574	1.3191
6110909022 ..	0.263	0.2997
6110909024 ..	0.263	0.2997
6110909030 ..	0.3946	0.4497
6110909040 ..	0.263	0.2997
6110909042 ..	0.263	0.2997
6111201000 ..	1.2581	1.4339
6111202000 ..	1.2581	1.4339
6111203000 ..	1.0064	1.147
6111205000 ..	1.0064	1.147
6111206010 ..	1.0064	1.147
6111206020 ..	1.0064	1.147
6111206030 ..	1.0064	1.147
6111206040 ..	1.0064	1.147
6111305020 ..	0.2516	0.2867
6111305040 ..	0.2516	0.2867
6112110050 ..	0.7548	0.8602
6112120010 ..	0.2516	0.2867
6112120030 ..	0.2516	0.2867
6112120040 ..	0.2516	0.2867
6112120050 ..	0.2516	0.2867
6112120060 ..	0.2516	0.2867
6112390010 ..	1.1322	1.2904
6112490010 ..	0.9435	1.0753
6114200005 ..	0.9002	1.026
6114200010 ..	0.9002	1.026
6114200015 ..	0.9002	1.026
6114200020 ..	1.286	1.4657
6114200040 ..	0.9002	1.026
6114200046 ..	0.9002	1.026
6114200052 ..	0.9002	1.026
6114200060 ..	0.9002	1.026
6114301010 ..	0.2572	0.2931
6114301020 ..	0.2572	0.2931
6114303030 ..	0.2572	0.2931
6115198010 ..	1.0417	1.1872
6115929000 ..	1.0417	1.1872
6115936020 ..	0.2315	0.2638
6116101300 ..	0.3655	0.4166
6116101720 ..	0.8528	0.9719
6116926420 ..	1.0965	1.2497
6116926430 ..	1.2183	1.3885
6116926440 ..	1.0965	1.2497
6116928800 ..	1.0965	1.2497
6117809510 ..	0.9747	1.1109
6117809540 ..	0.3655	0.4166
6201121000 ..	0.948	1.0804
6201122010 ..	0.8953	1.0204
6201122050 ..	0.6847	0.7804
6201122060 ..	0.6847	0.7804
6201134030 ..	0.2633	0.3001
6201921000 ..	0.9267	1.0562
6201921500 ..	1.1583	1.3201
6201922010 ..	1.0296	1.1734
6201922021 ..	1.2871	1.4669
6201922031 ..	1.2871	1.4669
6201922041 ..	1.2871	1.4669
6201922051 ..	1.0296	1.1734
6201922061 ..	1.0296	1.1734
6201931000 ..	0.3089	0.3521
6201933511 ..	0.2574	0.2934
6201933521 ..	0.2574	0.2934
6201999060 ..	0.2574	0.2934
6202121000 ..	0.9372	1.0681
6202122010 ..	1.1064	1.261
6202122025 ..	1.3017	1.4835
6202122050 ..	0.8461	0.9643
6202122060 ..	0.8461	0.9643

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6202134005 ..	0.2664	0.3036
6202134020 ..	0.333	0.3795
6202921000 ..	1.0413	1.1868
6202921500 ..	1.0413	1.1868
6202922026 ..	1.3017	1.4835
6202922061 ..	1.0413	1.1868
6202922071 ..	1.0413	1.1868
6202931000 ..	0.3124	0.356
6202935011 ..	0.2603	0.2967
6202935021 ..	0.2603	0.2967
6203122010 ..	0.1302	0.1484
6203221000 ..	1.3017	1.4835
6203322010 ..	1.2366	1.4094
6203322040 ..	1.2366	1.4094
6203332010 ..	0.1302	0.1484
6203392010 ..	1.1715	1.3352
6203399060 ..	0.2603	0.2967
6203422010 ..	0.9961	1.1353
6203422025 ..	0.9961	1.1353
6203422050 ..	0.9961	1.1353
6203422090 ..	0.9961	1.1353
6203424005 ..	1.2451	1.419
6203424010 ..	1.2451	1.419
6203424015 ..	0.9961	1.1353
6203424020 ..	1.2451	1.419
6203424025 ..	1.2451	1.419
6203424030 ..	1.2451	1.419
6203424035 ..	1.2451	1.419
6203424040 ..	0.9961	1.1353
6203424045 ..	0.9961	1.1353
6203424050 ..	0.9238	1.0529
6203424055 ..	0.9238	1.0529
6203424060 ..	0.9238	1.0529
6203431500 ..	0.1245	0.1419
6203434010 ..	0.1232	0.1404
6203434020 ..	0.1232	0.1404
6203434030 ..	0.1232	0.1404
6203434040 ..	0.1232	0.1404
6203498045 ..	0.249	0.2838
6204132010 ..	0.1302	0.1484
6204192000 ..	0.1302	0.1484
6204198090 ..	0.2603	0.2967
6204221000 ..	1.3017	1.4835
6204223030 ..	1.0413	1.1868
6204223040 ..	1.0413	1.1868
6204223050 ..	1.0413	1.1868
6204223060 ..	1.0413	1.1868
6204223065 ..	1.0413	1.1868
6204292040 ..	0.3254	0.3709
6204322010 ..	1.2366	1.4094
6204322030 ..	1.0413	1.1868
6204322040 ..	1.0413	1.1868
6204423010 ..	1.2728	1.4506
6204423030 ..	0.9546	1.088
6204423040 ..	0.9546	1.088
6204423050 ..	0.9546	1.088
6204423060 ..	0.9546	1.088
6204522010 ..	1.2654	1.4422
6204522030 ..	1.2654	1.4422
6204522040 ..	1.2654	1.4422
6204522070 ..	1.0656	1.2145
6204522080 ..	1.0656	1.2145
6204533010 ..	0.2664	0.3036
6204594060 ..	0.2664	0.3036
6204622010 ..	0.9961	1.1353
6204622025 ..	0.9961	1.1353
6204622050 ..	0.9961	1.1353
6204624005 ..	1.2451	1.419
6204624010 ..	1.2451	1.419

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6204624020 ..	0.9961	1.1353
6204624025 ..	1.2451	1.419
6204624030 ..	1.2451	1.419
6204624035 ..	1.2451	1.419
6204624040 ..	1.2451	1.419
6204624045 ..	0.9961	1.1353
6204624050 ..	0.9961	1.1353
6204624055 ..	0.9854	1.1231
6204624060 ..	0.9854	1.1231
6204624065 ..	0.9854	1.1231
6204633510 ..	0.2546	0.2902
6204633530 ..	0.2546	0.2902
6204633532 ..	0.2437	0.2777
6204633540 ..	0.2437	0.2777
6204692510 ..	0.249	0.2838
6204692540 ..	0.2437	0.2777
6204699044 ..	0.249	0.2838
6204699046 ..	0.249	0.2838
6204699050 ..	0.249	0.2838
6205202015 ..	0.9961	1.1353
6205202020 ..	0.9961	1.1353
6205202025 ..	0.9961	1.1353
6205202030 ..	0.9961	1.1353
6205202035 ..	1.1206	1.2771
6205202046 ..	0.9961	1.1353
6205202050 ..	0.9961	1.1353
6205202060 ..	0.9961	1.1353
6205202065 ..	0.9961	1.1353
6205202070 ..	0.9961	1.1353
6205202075 ..	0.9961	1.1353
6205302010 ..	0.3113	0.3548
6205302030 ..	0.3113	0.3548
6205302040 ..	0.3113	0.3548
6205302050 ..	0.3113	0.3548
6205302070 ..	0.3113	0.3548
6205302080 ..	0.3113	0.3548
6206100040 ..	0.1245	0.1419
6206303010 ..	0.9961	1.1353
6206303020 ..	0.9961	1.1353
6206303030 ..	0.9961	1.1353
6206303040 ..	0.9961	1.1353
6206303050 ..	0.9961	1.1353
6206303060 ..	0.9961	1.1353
6206403010 ..	0.3113	0.3548
6206403030 ..	0.3113	0.3548
6206900040 ..	0.249	0.2838
6207110000 ..	1.0852	1.2368
6207199010 ..	0.3617	0.4122
6207210010 ..	1.1085	1.2634
6207210030 ..	1.1085	1.2634
6207220000 ..	0.3695	0.4211
6207911000 ..	1.1455	1.3055
6207913010 ..	1.1455	1.3055
6207913020 ..	1.1455	1.3055
6208210010 ..	1.0583	1.2061
6208210020 ..	1.0583	1.2061
6208220000 ..	0.1245	0.1419
6208911010 ..	1.1455	1.3055
6208911020 ..	1.1455	1.3055
6208913010 ..	1.1455	1.3055
6209201000 ..	1.1577	1.3194
6209203000 ..	0.9749	1.1111
6209205030 ..	0.9749	1.1111
6209205035 ..	0.9749	1.1111
6209205040 ..	1.2186	1.3888
6209205045 ..	0.9749	1.1111
6209205050 ..	0.9749	1.1111
6209303020 ..	0.2463	0.2807
6209303040 ..	0.2463	0.2807

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6210109010 ..	0.2291	0.2611
6210403000 ..	0.0391	0.0446
6210405020 ..	0.4556	0.5192
6211111010 ..	0.1273	0.1451
6211111020 ..	0.1273	0.1451
6211118010 ..	1.1455	1.3055
6211118020 ..	1.1455	1.3055
6211320007 ..	0.8461	0.9643
6211320010 ..	1.0413	1.1868
6211320015 ..	1.0413	1.1868
6211320030 ..	0.9763	1.1127
6211320060 ..	0.9763	1.1127
6211320070 ..	0.9763	1.1127
6211330010 ..	0.3254	0.3709
6211330030 ..	0.3905	0.4451
6211330035 ..	0.3905	0.4451
6211330040 ..	0.3905	0.4451
6211420010 ..	1.0413	1.1868
6211420020 ..	1.0413	1.1868
6211420025 ..	1.1715	1.3352
6211420060 ..	1.0413	1.1868
6211420070 ..	1.1715	1.3352
6211430010 ..	0.2603	0.2967
6211430030 ..	0.2603	0.2967
6211430040 ..	0.2603	0.2967
6211430050 ..	0.2603	0.2967
6211430060 ..	0.2603	0.2967
6211430066 ..	0.2603	0.2967
6212105020 ..	0.2412	0.2749
6212109010 ..	0.9646	1.0994
6212109020 ..	0.2412	0.2749
6212200020 ..	0.3014	0.3435
6212900030 ..	0.1929	0.2198
6213201000 ..	1.1809	1.3459
6213202000 ..	1.0628	1.2113
6213901000 ..	0.4724	0.5384
6214900010 ..	0.9043	1.0306
6216000800 ..	0.2351	0.2679
6216001720 ..	0.6752	0.7695
6216003800 ..	1.2058	1.3743
6216004100 ..	1.2058	1.3743
6217109510 ..	1.0182	1.1604
6217109530 ..	0.2546	0.2902
6301300010 ..	0.8766	0.9991
6301300020 ..	0.8766	0.9991
6302100005 ..	1.1689	1.3322
6302100008 ..	1.1689	1.3322
6302100015 ..	1.1689	1.3322
6302215010 ..	0.8182	0.9325
6302215020 ..	0.8182	0.9325
6302217010 ..	1.1689	1.3322
6302217020 ..	1.1689	1.3322
6302217050 ..	1.1689	1.3322
6302219010 ..	0.8182	0.9325
6302219020 ..	0.8182	0.9325
6302219050 ..	0.8182	0.9325
6302222010 ..	0.4091	0.4663
6302222020 ..	0.4091	0.4663
6302313010 ..	0.8182	0.9325
6302313050 ..	1.1689	1.3322
6302315050 ..	0.8182	0.9325
6302317010 ..	1.1689	1.3322
6302317020 ..	1.1689	1.3322
6302317040 ..	1.1689	1.3322
6302317050 ..	1.1689	1.3322
6302319010 ..	0.8182	0.9325
6302319040 ..	0.8182	0.9325
6302319050 ..	0.8182	0.9325
6302322020 ..	0.4091	0.4663

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6302322040 ..	0.4091	0.4663
6302402010 ..	0.9935	1.1323
6302511000 ..	0.5844	0.666
6302512000 ..	0.8766	0.9991
6302513000 ..	0.5844	0.666
6302514000 ..	0.8182	0.9325
6302600010 ..	1.1689	1.3322
6302600020 ..	1.052	1.199
6302600030 ..	1.052	1.199
6302910005 ..	1.052	1.199
6302910015 ..	1.1689	1.3322
6302910025 ..	1.052	1.199
6302910035 ..	1.052	1.199
6302910045 ..	1.052	1.199
6302910050 ..	1.052	1.199
6302910060 ..	1.052	1.199
6303110000 ..	0.9448	1.0768
6303910000 ..	0.6429	0.7327
6304111000 ..	1.0629	1.2114
6304190500 ..	1.052	1.199
6304191000 ..	1.1689	1.3322
6304191500 ..	0.4091	0.4663
6304192000 ..	0.4091	0.4663
6304910020 ..	0.9351	1.0657
6304920000 ..	0.9351	1.0657
6505901540 ..	1.181	1.346
6505902060 ..	0.9935	1.1323
6505902545 ..	0.5844	0.666

* * * * *

Dated: May 27, 1999.

Enrique E. Figueroa,

Administrator, Agricultural Marketing Service.

[FR Doc. 99–14309 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–3]

Modification of Class E Airspace; Santa Rosa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace area at Santa Rosa, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 14 and GPS RWY 32 at Sonoma County Airport has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 14 and GPS RWY 32 SIAP to Sonoma County Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations Sonoma County Airport, Santa Rosa, CA.

EFFECTIVE DATE: 0901 UTC July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

History

On April 5, 1999, the FAA proposed to amend 14 CFR part 71 by modifying the Class E airspace area at Santa Rosa, CA (64 FR 16369). Controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS RWY 14 and GPS RWY 32 SIAP at Sonoma County Airport. This action will provide adequate controlled airspace for IFR operations at Sonoma County Airport, Santa Rosa, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace area at Santa Rosa, CA. Controlled airspace extending upward from 700 feet above the surface is required for aircraft executing the GPS RWY 14 and GPS RWY 32 SIAP at Sonoma County Airport. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 14 and GPS RWY 32 SIAP at Sonoma County Airport, Santa Rosa, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 Santa Rosa, CA [Revised]

That airspace extending upward from 700 feet above the surface beginning at lat. 38°56′00″N, long. 123°02′04″W; to lat. 39°15′00″N, long. 123°02′04″W; to lat. 39°15′00″N, long. 122°49′04″W; to lat. 38°47′30″N, long. 122°49′04″W; to lat. 38°23′00″N, long. 122°38′04″W; to lat. 38°18′00″N, long. 122°48′04″W; to lat. 38°56′00″N, long. 123°16′30″W., thence to the point of beginning.

* * * * *

Issued in Los Angeles, California, on May 20, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–14215 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–055]

RIN 2115–AA97

Safety Zone: Hospitalized Veterans Cruise, Boston Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The U.S. Coast Guard will establish a moving safety zone around vessels participating in the Hospitalized Veterans Cruise and in the main navigation channel for the event. As the vessels approach Boston Inner Harbor, a one hundred (100) yard safety zone will surround each flotilla as the vessels involved transit into Boston Harbor, turn around in the vicinity of the mooring of the USS Constitution, and then depart the harbor. The safety zone is needed to ensure the safety of the maritime public during this marine event. No vessel may enter this safety zone without the permission of the COTP.

EFFECTIVE DATE: This rule is effective from 11:00 a.m. until 1:30 p.m. local time on June 27, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Marine Safety Office Boston, 455 Commercial Street, Boston, Massachusetts 02109, between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–3000.

FOR FURTHER INFORMATION CONTACT: ENS Montleon, Waterways Management and Planning Division, Coast Guard Marine Safety Office Boston, (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Details for the marine event were not provided to the Coast Guard until April 13, 1999 making it impossible to publish a NPRM or a final rule 30 days in advance. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent injury and damage to persons and vessels involved.

Background and Purpose

On April 13, 1999 the sponsors of the event, Old Colony Yacht Club, requested that the Coast Guard create a safety zone to protect the vessels participating in the Hospitalized Veterans Cruise in Boston Harbor. This safety zone is necessary in order to protect the boating public and participating vessels from the danger of collision. The safety zone extends one hundred (100) yards in all directions around the participating vessels and assisting tugs from the time event participants enter Boston Harbor, until all participating vessels have safely departed Boston Harbor.

Regulatory Evaluation

This rule is not a significant 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 not been reviewed 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Deep draft vessel traffic, fishing vessels and tour boats may experience minor delays in departures or arrivals due to the safety zone. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators. Due to the limited duration and scope of the event, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act of 1995 (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.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking

is required. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard finds that this rule will not have a significant 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 impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under Figures 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

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), 6.04–6, 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.T01–055 to read as follows:

§ 165.T01–055 Safety Zone; Hospitalized Veterans Cruise, Boston Harbor, Boston, MA.

(a) *Location.* The following is a safety zone:

(1) One hundred (100) yards in all directions around vessels participating in the Hospitalized Veterans Cruise as they approach Boston Inner Harbor, turn around in the vicinity of the mooring of the USS Constitution, and then depart the harbor. No vessel may enter this safety zone without the permission of the COTP.

(b) *Effective Date.* This section is effective from 11:00 a.m. until 1:30 p.m. on June 27, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: May 21, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 99–14285 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–062]

RIN 2115–AA97

Safety Zone; Marblehead, MA to Halifax, Nova Scotia Ocean Race

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around the start area for the Marblehead, MA to Halifax, Nova Scotia Ocean Race. The safety zone will be in effect Sunday, July 11, 1999, from 12:00 p.m. to 3:30 p.m. The safety zone is needed to protect the vessels participating in the race, spectator craft, and others in the maritime community from the safety hazards associated with the start of a major ocean sailing race in extremely congested waters. Entry into the safety zone is prohibited unless authorized by the Captain of the Port Boston.

DATES: This rule is effective from 12:00 p.m. to 3:30 p.m. Sunday, July 11, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Marine Safety Office Boston, 455 Commercial Street, Boston, Massachusetts 02109, between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–3000.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, U.S. Coast Guard Marine Safety Office, Boston, MA, at (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation. Due to the complex planning and coordination involved, details for the race were not finalized until May 6, 1999, making it impossible to publish a NPRM in advance. Any delay encountered in this regulation's effective date would be contrary to public interest, since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with the limited maneuverability of vessels participating in the event.

Background and Purpose

This regulation establishes a safety zone encompassing the area bounded by a line beginning at coordinates 42–29.066N 70–48.361W, then running south to the southeast corner located at 42–28.594N 70–48.665W, then running west to the southwest corner located at 42–28.446N 70–49.535W, then running north to the northwest corner located at 42–28.852N 70–49.206W, then running east back to the northeast corner located at 42–29.066N 70–48.361W. All coordinates are NAD 1983. The safety zone is effective on July 11, 1999, from 12:00 p.m. to 3:30 p.m.

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. It has not been reviewed 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 rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the fact that the safety zone is limited in duration and will not restrict the entire harbor, allowing traffic to continue without obstruction, and advance marine advisories will be made of the safety zone to minimize the effect on recreational and commercial vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and, (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed in the regulatory evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that, under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard amend 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), 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary section 165.T01–062 to read as follows:

§ 165.T01–062 Safety Zone; Marblehead, MA to Halifax, Nova Scotia Ocean Race.

(a) *Location.* This safety zone includes the area delineated by the following coordinates: beginning at the northeast corner located at 42–29.066N 70–48.361 W, then to the southeast corner located at 42–28.594N 70–48.665W, then to the southwest corner located at 42–28.446N 70–49.535W, and then to the northwest corner located at 42–28.852N 70–49.206W. All coordinates are NAD 1983.

(b) *Effective date.* This safety zone is effective from 12:00 p.m. to 3:30 p.m. on Sunday, July 11, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Boston.

(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. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The general regulations contained in section 33 CFR 165.23 apply.

Dated: May 25, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 99–14289 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Chapter I

RIN 2900–AJ79

National Cemetery Administration; Title Changes

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: Public Law 105–368 changed the name of the National Cemetery System to the National Cemetery Administration and changed the title of the Director, National Cemetery System to the Under Secretary for Memorial Affairs. This document amends 38 CFR chapter I to reflect these changes.

DATES: Effective Date: June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Sonja McCombs, Program Analyst, Communications and Regulatory Division (402B1), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Telephone: 202–273–5183 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This document makes only nonsubstantive changes. Accordingly, under 5 U.S.C. 553, there is a basis for dispensing with prior notice-and-comment provisions and delayed effective date provisions.

The Secretary of Veterans Affairs hereby certifies that the adoption of this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This document makes only nonsubstantive changes. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the regulatory flexibility analysis requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers for programs affected by this final rule are 64.201, 64.202, and 64.203.

Approved: May 27, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Under the authority of Public Law 105–368 as explained in the preamble, 38 CFR chapter I is amended as follows:

CHAPTER I—DEPARTMENT OF VETERANS AFFAIRS

1. In chapter I, revise all references to ''Director, National Cemetery System'' to read ''Under Secretary for Memorial Affairs''.

2. In chapter I, revise all references to ''National Cemetery System'' to read ''National Cemetery Administration''.

3. In chapter I, revise all references to ''Director, National Cemetery System'' to read ''Under Secretary for Memorial Affairs''.

4. In chapter I, revise all references to ''Director, National Cemetery Service'' to read ''Under Secretary for Memorial Affairs''.

[FR Doc. 99–14372 Filed 6–4–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ53

Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to state that the remarried surviving spouse of a veteran is not barred from receiving dependency and indemnity compensation if the remarriage is terminated by death, divorce, or annulment, unless the divorce or annulment was secured through fraud or collusion. This document further amends the regulations to permit the receipt of dependency and indemnity compensation by a surviving spouse who has lived with another person and held himself or herself out openly to the public as that other person's spouse, if the surviving spouse ceases living with that other person and holding himself or herself out openly to the public as that other person's spouse. This amendment is necessary to conform the regulations to a recent statutory change.

DATES: Effective Date: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Warren Jones, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 273–7167.

SUPPLEMENTARY INFORMATION: A surviving spouse of a veteran must be unmarried to receive VA benefits. The law regarding the eligibility for benefits of a surviving spouse of a veteran who remarries after the veteran's death and whose remarriage later terminates has changed several times in recent years.

Prior to January 1, 1971, remarriage of a surviving spouse of a deceased veteran was a bar to benefits unless that remarriage was void or annulled. Pub. L. 91–376 amended 38 U.S.C. 103(d) by adding subsections 103(d)(2) and (d)(3) to permit the payment or resumption of payment of benefits to a surviving spouse whose remarriage was terminated by death or divorce, or who ceased living with another person and holding himself or herself out openly to the public as that person's spouse.

The Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, deleted 38 U.S.C. 103(d)(2) and (d)(3). The effect of this change was to eliminate VA's authority, effective November 1, 1990, to reinstate entitlement to death benefits for a surviving spouse who had remarried after the veteran's death unless the marriage was void or annulled, or to reinstate entitlement to death benefits for a surviving spouse who ceased living with another person and holding himself or herself out openly to the public as that person's spouse.

Section 8207 of the Transportation Equity Act for the 21st Century, Pub. L. 105–178, amended 38 U.S.C. 1311, effective October 1, 1998, to reinstate eligibility for only dependency and indemnity compensation to a surviving spouse of a veteran whose remarriage is terminated by death, divorce, or annulment unless VA determines that the divorce or annulment was secured through fraud or collusion. Additionally, Pub. L. 105–178 reinstates eligibility for dependency and indemnity compensation to a surviving spouse of a veteran who ceases living with another person and holding himself or herself out openly to the public as that person's spouse. This document amends 38 CFR 3.55 accordingly.

This final rule reflects statutory requirements. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601–612). Even so, the Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: April 14, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.55, paragraphs (a)(3) and (a)(4) are redesignated as paragraphs (a)(4) and (a)(6), respectively, and new paragraphs (a)(3) and (a)(5) are added to read as follows:

§ 3.55 Reinstatement of benefits eligibility based upon terminated marital relationships.

* * * * *

(a) * * *

(3) On or after October 1, 1998, remarriage of a surviving spouse terminated by death, divorce, or annulment, will not bar the furnishing of dependency and indemnity compensation, unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

(Authority: 38 U.S.C. 1311(e))

* * * * *

(5) On or after October 1, 1998, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person will not bar the furnishing of dependency and indemnity compensation to the surviving spouse if he or she ceases living with such other person and holding himself or herself out openly to the public as such other person's spouse.

(Authority: 38 U.S.C. 1311(e))

* * * * *

[FR Doc. 99–14252 Filed 6–4–99; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL MARITIME COMMISSION

46 CFR Part 551

[Docket No. 96–20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is requiring U.S. and Japanese ocean common carriers in the U.S.-Japan trade to provide reports addressing the status of efforts to reform conditions unfavorable to shipping in the U.S.-Japan trade. Areas for reporting include reform of the ''prior consultation'' system for pre-approving carriers' service changes in Japan; entry of non-Japanese carriers into Japan's harbor services market; and Government of Japan proposals for broader harbor services deregulation. As marketplace developments have overtaken the findings in the currently suspended final rule in this proceeding in certain respects, the Commission has determined to remove that final rule.

DATES: The removal of § 551.2 is effective June 7, 1999. Reports are due August 26, 1999, and every 180 days thereafter.

ADDRESSES: Reports and requests for publicly available information should be addressed to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, D.C. 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION:

Background

After an extensive investigation regarding potentially unfavorable conditions facing U.S. ocean shipping interests in Japanese ports, the Commission on February 26, 1997, issued a final rule finding such conditions to exist and imposing $100,000 per voyage sanctions against Japanese carriers entering United States ports. The rule was originally scheduled to take effect on April 14, 1997; however, the Commission postponed the effective date of the final rule until September 4, 1997, in recognition of assurances by the Japan Ministry of Transport (''MOT'') that it and other involved parties would undertake reforms to correct the conditions at issue. On September 4, 1997, the Commission, having not been presented with any evidence of corrective measures, allowed the rule to go into effect, and sanctions began to accrue against the Japanese carriers. The rule was again suspended by the Commission on November 13, 1997, after the signing of comprehensive government-to-government and industry-government accords to substantially reform Japanese port practices; at that time, accrued fees of $1.5 million were paid by the Japanese carriers.

The Commission took the above-described actions in this proceeding after a comprehensive inquiry into restrictions and requirements affecting U.S. carriers and U.S. commerce in Japanese ports. The fees assessed in the final rule were deemed necessary in light of the Commission's identification of a number of conditions unfavorable to shipping warranting action under section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. 876:

- Shipping lines in the Japan-U.S. trades were not allowed to make operational changes, major or minor, without the permission of the Japan Harbor Transportation Association (''JHTA''), an association of Japanese waterfront employers operating with the permission of, and under the regulatory authority and ministerial guidance of MOT.
- JHTA had absolute and unappealable discretion to withhold permission for proposed operational changes by refusing to accept such proposals for ''prior consultation,'' a mandatory process of negotiations and pre-approvals involving carriers, JHTA, and waterfront unions.
- There were no written criteria for JHTA's decisions whether to permit or disallow carrier requests for operational changes, nor were there written explanations given for the decisions.
- JHTA used and threatened to use its prior consultation authority to punish and disrupt the business operations of its detractors.
- JHTA used its authority over carrier operations through prior consultation as leverage to extract fees and impose operational restrictions, such as Sunday work limits.
- JHTA used its prior consultation authority to allocate work among its member companies, by barring carriers and consortia from freely choosing operators and by compelling shipping lines to hire additional, unneeded stevedore companies or contractors.
- MOT administered a licensing standard which blocks new entrants from the stevedoring industry in Japan, protecting JHTA's dominant position, and ensuring that the stevedoring market remains entirely Japanese.
- Because of the restrictive licensing requirement, U.S. carriers could not perform stevedoring or terminal operating services for themselves or third parties in Japan, as Japanese carriers do in the United States.

On November 10, 1997, U.S. and Japanese officials and relevant industry groups (i.e., JHTA, the Japan Shipowners' Port Council (''JSPC'') and the Japan Foreign Steamship Association (''JFSA'')) came to terms on a number of points for remedying conditions in Japanese ports, including:

- A reaffirmance by the Government of Japan (''GOJ'') that it would approve foreign shipping companies' applications for licenses for port transportation business operations;
- An agreement to simplify the prior consultation system, increase transparency through the use of written decisions, and provide for dispute settlement procedures in which MOT or an MOT-chaired committee would resolve questions and disputes, and MOT would arbitrate and issue judgments;
- An agreement among the GOJ and carrier groups to establish an alternative to the prior consultation system and to implement the alternative system, whereby carriers intending to implement operational changes would confer with their terminal operators (who would, to the extent required by applicable collective bargaining agreements, consult with labor unions either directly or through a collective bargaining agent);
- Commitments that prior consultation not be used as a means to approve carriers' business plans and strategies, allocate business among port transportation business operators, restrict competition or infringe on carriers' freedom to select port transport business operators;
- Commitments that the GOJ will use its authority to prevent the unjustifiable denial of services essential to the conduct of licensed activities, to ensure the smooth operation of the port transportation business and the improvement of port efficiency, and to ensure that operation of the alternative prior consultation process will be free from outside interference, harassment, or retaliation.

Discussion

In the period since the Government of Japan made its commitments to market opening and increased accountability, the pace of progress and reform in Japan's port transportation sector has been slow. It has been reported that no foreign shipping lines have applied for or received licenses to operate their own terminals. No carrier appears to have invoked or tested the prior consultation dispute settlement procedures or other procedural safeguards that were agreed to, and no alternative to JHTA's prior consultation system for reconciling carrier service issues with the concerns of Japanese labor has been developed. Moreover, proposals for broader reform under consideration by Japan's Government fall well short of full deregulation.

There appear to be several reasons for these shortcomings. While the Government of Japan has committed to provide licenses to foreign carriers to operate port transportation businesses in their own berths, it has been reported that Japanese labor unions have communicated strong opposition to foreign lines establishing terminal operations, including threats of work stoppages or other labor actions. Other factors have made foreign entry into this sector more difficult as well. The Government of Japan maintains regulatory requirements, including ''close ties'' (through equity exchange or long term contracts) with subcontractors, that make launching a terminal venture more difficult. Furthermore, it appears that recent

economic factors in Japan, including currency and trade shifts, have made carrier investment in Japan's high-cost ports even less attractive than before. As a result, some lines have curtailed services in Japan, restructured existing arrangements, and shifted other operations to more rapidly growing, lower-cost modern maritime centers in the region.

The reasons for the lack of progress regarding alternatives to prior consultation may be similarly complex, potentially involving labor concerns or resistance, lack of governmental leadership, and the scaling back of some carriers' operations in Japan. Also, while the 1997 agreements provide for dispute resolution processes, these procedures are as yet untested. The reasons for and effects of this remain unclear, requiring further information and clarification.

Given these evolving circumstances, it is necessary for the Commission to continue its review of this matter, and to update its record in this proceeding. The existing record and the resulting findings in the final rule are no longer current, having been overtaken in a number of respects by changes in both market conditions and governmental policies. The Commission needs to collect further information, both now and on an ongoing basis, to effectively evaluate whether the unfavorable conditions identified in the rule continue to exist, and if so, the extent to which their continued existence arises out of or results from foreign laws, rules, or regulations. Such oversight is necessary to ensure that U.S. carriers do not face restrictions in their operations in Japan that Japanese carriers do not face in this country.

As some of the findings in the Commission's suspended final rule—for example, findings regarding official refusals to grant licenses—appear to have been overtaken in part by evolving circumstances and are not supported by the current record, the Commission has determined to withdraw the suspended rule while it reevaluates the current conditions facing U.S. shipping in Japan.

Removal of the final rule in no way reflects the satisfaction of the Commission with the current status of this matter, however, or a conclusion of the Commission's interest in the reform of port conditions facing Japan-U.S. trade. U.S. carriers and U.S. trade continue to bear the high costs of inefficient Japanese waterfront practices. There are a number of further steps that the Government of Japan appropriately could take to ensure that its market opening commitments can become effective. With regard to licensing, the Government of Japan could move swiftly to eliminate or liberalize regulatory requirements that make entry more difficult, such as the close-ties test and regulatory minimum manning requirements. For any new entrants to succeed, Japanese authorities must also ensure that there will be no illegal boycotts of new entrants to the market, and must take action to prevent unlawful threats or harassment. Japanese authorities could certainly take further steps as well, including providing guidance and leadership in dialogue with interested parties to address Japanese labor's concerns with, and resistance to, the entry of foreign carriers into Japan's port transportation business.

Japanese authorities also could appropriately take an active role to oversee the prior consultation process and ensure that all parties are conforming with the procedures and obligations set forth in agreements among MOT, shipowners, and JHTA. Of particular importance is the need to enforce the principle that prior consultation should not be used to allocate carrier business among operators. Active oversight by MOT could ensure that disputes regarding these provisions could be addressed and resolved before any conflicts become so severe that a formal request for dispute settlement becomes necessary.

Japanese authorities could also do more to facilitate the creation of alternative processes to prior consultation. For such an alternative to be possible, the Government of Japan will have to work actively with interested parties to provide assistance and advice, including aiding in resolving concerns of port labor.

The Commission will also continue to look closely at regulatory changes under consideration by the Government of Japan. In December 1998, Japan's Transport Policy Council Harbor Transport Subcommittee issued an interim report, laying out proposals for potential regulatory changes in this sector. These proposals included elimination of the supply/demand test for licensing port business operators, which has been an issue of serious concern in this proceeding, and ending the system of regulatory approval of harbor companies' fees and charges. While these could be positive steps, the draft plan as a whole appears to fall short of what is needed to remedy current inefficiencies and obstacles in Japan's ports, and to ensure an open and competitive market for harbor services. As the United States Government pointed out to MOT earlier this year, the deregulatory plan retains economically burdensome and seemingly unnecessary requirements, including required commercial relationships (i.e., terminal operators are required to perform at least 70% of their services themselves) and close-tie requirements for subcontractors. Most troublesome are regulatory minimum manning requirements, which are increased, rather than eliminated, in the proposal.

The Commission will continue to watch these matters closely, to ensure that the laws and regulations of the Government of Japan do not give rise to unfavorable conditions for U.S. maritime companies or trade.

Therefore, *it is ordered*, That 46 CFR 551.2, is removed;

It is further ordered, That the following parties are ordered to file reports with the Commission 90 days from the date of service of this order, and every 180 days thereafter: American President Lines, Ltd.; Sea-Land Service, Inc.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha. These reports should address the following:

1. Has your company[1] submitted any major matters (as defined in ''the Revised Prior Consultation System of 1997'') for prior consultation in the past 180 days? (Responses may be limited to prior consultation regarding services in U.S.-Japan trades). If so, for each major matter presented, describe the request, the process followed by the carrier, and how the matter was handled and disposed of by JHTA. Indicate specifically whether the procedures outlined in paragraph II of ''The Revised Prior Consultation System of 1997'' were adhered to by JHTA and your company. If any dispute between your company and JHTA under the prior consultation system has arisen, has MOT been notified or requested to serve as arbitrator? If so, describe in detail what actions, if any, have been taken by MOT.

2. Describe what attempts or inquiries your company has made with other shipping lines, port transportation business operators, MOT, or any waterfront organizations to create an alternative to the prior consultation system as described in the ''Agreement on the Improvement of the Prior Consultation System of 1997'' paragraph 3(2), and describe the responses received.

3. Describe in detail the status of any legislative or regulatory proposals to deregulate or change the laws or standards for the provision of marine terminal or stevedoring services in Japanese ports, and the likely effects of such changes on your business operations.

4. (For response by APL and Sea-Land only.) Does your company have plans to begin performing or offering port harbor transportation services in Japan in the forseeable future? If so, describe: the planned

[1] References to ''your company'' include parent companies, subsidiaries, and corporate affiliates with whom common ownership is shared.

operations in detail; any attempts to obtain a license to operate a harbor services business, including any communications your company has had with any MOT officials regarding the issuance of licenses; and any communications your company has had in Japan with JHTA, other steamship or harbor services companies, and any other waterfront organization, regarding your company's plans to offer harbor transportation services in Japan or efforts to obtain licenses to do so.

5. Describe any new or further restrictions or requirements placed on your company regarding the use or operation of terminals or harbor services.

List of Subjects in 46 CFR Part 551

Maritime Carriers.

For the reasons set out in the preamble, the Commission amends 46 CFR part 551 as follows:

PART 551—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE

1. The authority citation for part 551 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app. 876(5) through (12); 46 CFR part 550; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

§ 551.2 [Removed]

2. Remove § 551.2.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–14257 Filed 6–4–99; 8:45 am]

BILLING CODE 6730–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 052499C]

Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species

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

ACTION: Fishing season notification.

SUMMARY: NMFS notifies eligible participants of the length of the second semiannual fishing season for the commercial fishery for large coastal sharks (LCS) in the Western North Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea. Both the ridgeback and non-ridgeback sectors of the LCS fishery will open July 1, 1999. The non-ridgeback LCS sector will close July 12, 1999, 11:30 p.m. local time. The ridgeback LCS sector will close August 8, 1999, 11:30 p.m. local time. This action is necessary to ensure that the semiannual quotas for ridgeback LCS of 310 metric tons (mt) dressed weight (dw) and non-ridgeback LCS of 98 mt dw for the period July 1 through December 31, 1999, are not exceeded.

DATES: The fishery opening for ridgeback and non-ridgeback LCS is effective July 1, 1999; the non-ridgeback LCS closure is effective from 11:30 p.m. local time July 12, 1999, through December 31, 1999; and the ridgeback LCS closure is effective from 11:30 p.m. local time August 8, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Margo Schulze or Karyl Brewster-Geisz, 301–713–2347; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Section 635.27(b) of the regulations provides for the annual commercial quota of LCS to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters to be apportioned between two equal semiannual fishing seasons. The second semiannual quotas for ridgeback LCS of 310 mt dw and for non-ridgeback LCS of 98 mt dw are available for harvest for the semiannual period beginning July 1, 1999.

The Assistant Administrator for Fisheries, NOAA (AA), is required under § 635.27(b) to determine, based on projected catch rates, available quota, and other relevant factors, the length of each semiannual fishing season for LCS. When shark harvests are projected to reach the available quota established under § 635.27(b), the AA is further required under § 635.28(b) to close the fishery until additional quota is available.

Catch rate data from the second fishing season from 1997 and 1998 for ridgeback and non-ridgeback LCS species (see Table 1(a) of Appendix A to Part 635) indicate that the ridgeback LCS quota of 310 mt dw will be attained within 39 days and the non-ridgeback LCS quota of 98 mt dw will be attained within 13 days of the fishery opening. Accordingly, the AA has determined, based on these projected catch rates and the available quotas, that the quotas for the 1999 second semiannual season for LCS in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, will be attained as of July 12, 1999, for non-ridgeback LCS and, as of August 8, 1999, for ridgeback LCS.

During a closure, retention of, fishing for, possessing or selling LCS are prohibited for persons fishing aboard vessels issued a limited access permit under § 635.4. After July 12, 1999, and August 8, 1999, for non-ridgeback and ridgeback LCS, respectively, the sale, purchase, trade, or barter of carcasses and/or fins of LCS harvested by a person aboard a vessel that has been issued a permit under § 635.4 are prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure and were held in storage by a dealer or processor.

Sharks that are discarded dead and are landed from state waters are counted against the applicable fishery quota, as established under § 635.27(b)(1)(iv)(C).

Commercial fishing for pelagic and small coastal sharks may continue until further notice. When quotas are projected to be reached, the AA will file notice of closure at the Office of the Federal Register. Those vessels that have not been issued a limited access permit under § 635.4 may not sell sharks and are subject to the recreational retention limits and size limits specified at §§ 635.22(c) and 635.20(d). The recreational fishery is not affected by this closure.

NMFS is considering issuing exempted fishing permits (EFPs) for those permitted vessels that will conduct charter or headboat operations after closures, which would exempt such operations from the prohibition on possession of LCS but would restrict such operations to the recreational retention limits and size limits with a no-sale restriction. NMFS is considering issuing EFPs in such instances because the final rule implementing the HMS FMP has delayed issuance of an HMS charter/headboat permit. NMFS intends to implement the HMS charter/headboat permit and reporting requirement following Paperwork Reduction Act clearance. Because previous regulations allowed vessels operating as a charter or headboat to retain sharks under the recreational retention limits during fishery closures and the HMS FMP stipulates that vessels for which limited access permits have been issued may not retain sharks during fishery closures, issuance of EFPs will help NMFS ascertain the magnitude of the number of vessels that operate commercially as well as charter/headboats under recreational limits. This information will help NMFS

estimate the burden associated with the HMS charter/headboat permit and logbook programs.

Classification

This action is taken under 50 CFR part 635 and is exempt from review under E.O. 12866.

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

Dated: June 1, 1999.

Gary C. Matlock,

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

[FR Doc. 99–14239 Filed 6–1–99; 4:45 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 108
Monday, June 7, 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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–027–1]

Imported Fire Ant; Approved Treatments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the imported fire ant regulations by adding the insecticide pyriproxyfen (Distance®) to the list of chemicals authorized for the treatment of containerized nursery plants and field-grown woody ornamentals that are to be certified for interstate movement from quarantined areas. This action would give the regulated community another choice with which to meet certification requirements. We are also proposing to update the imported fire ant regulations by amending dosages and formulations for currently authorized insecticides in order to be consistent with product labeling and availability; by alphabetizing, for organizational purposes, the list of authorized chemicals; and by adding a brand name to the list of authorized chemicals, for consistency.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 6, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–027–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–027–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5255; or e-mail: ron.p.milberg@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure and even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery.

The regulations in ''Subpart—Imported Fire Ant'' (7 CFR 301.81 through 301.81–10, referred to below as the regulations) quarantine infested States or infested areas within States and restrict the interstate movement of certain articles from those quarantined States or areas to prevent the artificial spread of the imported fire ant.

Sections 301.81–4 and 301.81–5 of the regulations provide, among other things, that regulated articles requiring treatment prior to interstate movement must be treated in accordance with the methods and procedures prescribed in the Appendix to the subpart, which sets forth the treatment provisions of the ''Imported Fire Ant Program Manual.''

Recent trials conducted by the Animal and Plant Health Inspection Service (APHIS) Imported Fire Ant Methods Development Station in Gulfport, MS, have shown that the insecticide pyriproxyfen (Distance®) is effective as a bait at a dosage rate of 1.0–1.5 lbs (0.45–0.68 kg) bait/acre for the treatment of field grown woody ornamentals and for controlling the imported fire ant in containerized nursery plants. As with the currently authorized bait insecticides, fenoxycarb (AWARD®) and hydramethylnon (AMDRO®), pyriproxyfen (Distance®) provides no residual barrier against infestation by new queens and must be followed by the application of a contact insecticide to eliminate all colonies and to prevent reinfestation.

In 1998, the United States Environmental Protection Agency approved pyriproxyfen (Distance®) for the treatment of grass sod, soil, and mulch against the imported fire ant at a dosage rate of 1.0–1.5 lbs (0.45–0.68 kg) bait/acre. We are proposing: (1) to amend the Appendix to the subpart, paragraph III.B., under the heading ''Insecticide,'' by adding pyriproxyfen (Distance®) to the list of authorized chemicals for the treatment of regulated articles; (2) to amend paragraph III.C.4. of the Appendix, under the heading ''Control,'' to allow pyriproxyfen (Distance®) to be used as an alternative to fenoxycarb (AWARD®) and hydramethylnon (AMDRO®) for the treatment of containerized nursery plants to eliminate the imported fire ant; and (3) to amend paragraph III.C.5. of the Appendix to allow pyriproxyfen (Distance®) to be used as an alternative to fenoxycarb (AWARD®) and hydramethylnon (AMDRO®) for the treatment of field-grown woody ornamentals to eliminate active imported fire ant colonies.

In addition, in order to update the Appendix to the subpart, we are proposing to amend paragraph III.C.4. by adding the ''flowable'' formulation of bifenthrin to the regulations and paragraph III.C.3. by announcing that the ''wettable powder'' formulation of bifenthrin has been discontinued by the manufacturer in favor of the new flowable formulation. We are also proposing to amend paragraph III.C.5. by changing the dosage rate for fenoxycarb (AWARD®) and hydramethylnon (AMDRO®) from 1.5 lbs (0.68 kg) bait/acre to 1.0–1.5 lbs (0.45–0.68 kg) bait/acre, in order to be consistent with product labeling.

Finally, we are proposing to amend the Appendix to the subpart, paragraph III.B., under the heading ''Insecticides,'' by adding the brand name (Talstar®) to the entry for bifenthrin, in order to be both consistent and fair, and by alphabetizing the list for the sake of organization.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the economic effects of this proposed rule on small entities. We do not currently have all the data necessary for a comprehensive analysis of the economic effects of this rule on small entities. Therefore, we are inviting comments concerning potential economic effects. In particular, we are interested in determining the number and kinds of small entities that may incur benefits or costs from implementation of this proposed rule.

Under the Plant Quarantine Act and the Federal Plant Pest Act (7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167), the Secretary of Agriculture is authorized to regulate the interstate movement of articles to prevent the spread of injurious plant pests in the United States.

This proposed rule would amend the imported fire ant regulations to allow the use of the bait insecticide pyriproxyfen (Distance®) for the treatment of containerized nursery plants and field-grown woody ornamentals that are to be certified for interstate movement from quarantined areas.

Currently, in order to be certified, containerized nursery plants and field-grown woody ornamentals must be treated with a bait insecticide, either fenoxycarb (AWARD®) or hydramethylnon (AMDRO®), in conjunction with a contact insecticide, bifenthrin (Talstar®). We are proposing to allow pyriproxyfen (Distance®) to be used as an alternative to fenoxycarb (AWARD®) and hydramethylnon (AMDRO®) in order to give nurseries more options by which they can certify their products. All three bait insecticides fall within the same price range, $8–$10/lb, but competition between imported fire ant insecticide producers, which would be stimulated by the inclusion of pyriproxyfen (Distance®), could result in decreased prices, benefiting many nurseries.

The only significant alternative to this proposed rule that we considered was to not add pyriproxyfen (Distance®) to the list of authorized chemicals for the treatment of regulated materials. We have rejected this alternative because it would deny nurseries the benefit of having another authorized bait insecticide to chose from.

This proposed rule contains no reporting or recordkeeping requirements.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In part 301, Subpart—Imported Fire Ant (§§ 301.81—301.81–10), the Appendix to the subpart would be amended as follows:

a. In paragraph III.B., under the heading ''INSECTICIDES,'' the list would be revised to read as set forth below.

b. In paragraph III.C.3.d., under the heading ''Method C—Topical Application,'' a fourth paragraph would be added to read as set forth below.

c. In paragraph III.C.4., under the heading ''Control,'' immediately following the word ''(AMDRO®)'', the word ''or'' would be removed and a comma would be added in its place, and immediately following the word ''(AWARD®)'', the words '', or pyriproxyfen (Distance®)'' would be added.

d. In paragraph III.C.4., under the heading ''Exclusion,'' under ''Bifenthrin,'' first sentence, immediately following the word ''granular'', the word '', flowable,'' would be added.

e. In paragraph III.C.4., under the heading ''Exclusion,'' under ''Bifenthrin,'' first paragraph, the last sentence would be revised to read as set forth below.

f. In paragraph III.C.4., under the heading ''Exclusion,'' under ''Tefluthrin,'' first sentence, immediately following the word ''granular'', the word '', flowable,'' would be added.

g. In paragraph III.C.5., the ''Material'' and ''Dosage'' paragraphs would be revised to read as set forth below.

h. In paragraph III.C.5., in the ''Method'' paragraph, the phrase ''1.5 lb (0.68 kg)'' would be removed and the phrase ''1.0–1.5 lb (0.45–0.68 kg)'' would be added in its place.

i. In paragraph III.C.5., in the ''Method'' and ''Special Information'' paragraphs, the words ''fenoxycarb (AWARD®) or hydramethylnon (AMDRO®)'' would be removed and the words ''fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®)'' would be added in their place each time they appear.

Appendix to Subpart ''Imported Fire Ant''—Portion of ''Imported Fire Ant Program Manual'' [8]

III. Regulatory Procedures

* * * * *

B. * * *

Insecticides

Bifenthrin (Talstar®)
Chlorpyrifos (Dursban®)
Diazinon
Fenoxycarb (AWARD®)
Hydramethylnon (AMDRO®)
Pyriproxyfen (Distance®)
Tefluthrin (FIREBAN®)

C. * * *

3. * * *

d. * * *

Method C—Topical Application

* * * * *

Manufacture of the 10WP (wettable powder) formulation was discontinued in 1998; however, the EPA will allow this product to be utilized until supplies are exhausted.

* * * * *

[8] A copy of the entire ''Imported Fire Ant Program Manual'' may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737–1236.

4. * * *

Exclusion

Bifenthrin

* * * The dosage rate for granular bifenthrin is variable and is determined by the certification period selected; for flowable bifenthrin it is 25 ppm; for wettable powder bifenthrin it is 50 ppm.

* * * * *

5. Field-Grown Woody Ornamentals (In-Field Treatment Prior to Harvest)

Material: Chlorpyrifos used in combination with fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) fire ant bait.

Dosage: Fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) at 1.0–1.5 lb (0.45–0.68 kg) bait/acre. Chlorpyrifos at 6.0 lb (2.7 kg) a.i./acre.

* * * * *

Done in Washington, DC, this 1st day of June 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–14306 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV99–916–3 PR]

Nectarines and Peaches Grown in California; Revision of Reporting Requirements for Fresh Nectarines and Peaches; Request for Revision to Currently Approved Information Collections

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on proposed revisions to the rules and regulations of the marketing orders (orders) for fresh nectarines and peaches grown in California pertaining to reporting requirements. This rule also announces the Agricultural Marketing Service's (AMS) intention to request a revision to the currently approved information collection requirements issued under the orders. The orders regulate the handling of nectarines and peaches grown in California and are administered locally by the Nectarine Administrative and Peach Commodity Committees (committees). Under the orders, authority is provided for the committees to require handlers to file reports on the destinations of their shipments of fresh nectarines and peaches. This rule would require handlers to file such destination reports. Additional and timely information would thus be available to the committees and industry, facilitating improved decisionmaking and program administration with regard to marketing research and development, and promotional activities.

DATES: Comments must be received by August 6, 1999.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. 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 at the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, 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, Fax: (202) 720–5698. Small businesses may request information on compliance 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) 205–5698; 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 proposal is issued under Marketing Agreements Nos. 124 and 85, and Marketing Order Nos. 916 and 917 (7 CFR parts 916 and 917) regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The marketing agreements and orders are 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 proposed rule in conformance with Executive Order 12866.

This proposal 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 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 proposal invites comments on revisions to the orders' rules and regulations pertaining to reporting requirements under the orders. This rule would establish procedures in the orders' rules and regulations for handlers to file reports on the destinations of their shipments of fresh nectarines and peaches. Under the orders the term ''handler'' is synonymous with the term ''shipper.'' This proposal was unanimously recommended by the committees at their meetings on December 2, 1998.

In §§ 916.60 and 917.50 of the orders, authority is provided for the committees to require handlers to file reports with the committees. The information authorized includes, but is not limited to: (1) The name of the shipper and the shipping point; (2) the car or truck license number (or name of the trucker), and identification of the carrier; (3) the date and time of departure; (4) the number and type of containers in the shipment; (5) the quantities shipped, showing separately the variety, grade, and size of the fruit; (6) the destination; and (7) the identification of the inspection certificate or waiver pursuant to which the fruit was handled. Handlers have not been required to

report the destinations of their shipments of fresh nectarines and peaches.

The Nectarine Administrative Committee's (NAC) and the Peach Commodity Committee's (PCC) discussions on destination reports were prompted by recommendations of two subcommittees which met prior to the December 2, 1998, committee meetings. At a Domestic Promotion Subcommittee meeting, the merits of destination reports were discussed, among other issues. The subcommittee unanimously recommended adding a requirement to the orders' rules and regulations for destination reports. The subcommittee believed that having information about markets to which nectarines and peaches are shipped would be a valuable marketing tool. The members believed that such information would allow the subcommittee to target markets more effectively for promotion, and permit a more effective analysis of the effectiveness of industry funded media and promotional campaigns. At an International Programs Subcommittee meeting, the merits of destination reports also were discussed. The members of this subcommittee also believed that such reports would provide invaluable information to assist the NAC and PCC in targeting their promotional activities in the most-promising markets for these two fruits.

The NAC and PCC discussed the subcommittees' recommendations and the merits of destination reporting. Both the NAC and PCC agreed that the establishment of such a report requiring each handler to list the destination of his/her shipments of nectarines and peaches in both domestic and international markets would provide invaluable information and greatly benefit the industries.

With destination information from handlers, the committees would be able to make better-informed decisions about marketing research and development projects conducted, and gauge the success of such activities knowing the volume of fruit shipped to various markets. With this information, the committees also could direct their marketing research and development activities and funds to the most-promising markets, and tailor the activities to meet the needs of the particular markets, focus on the more successful promotional activities, and target markets based on consumption.

Current market analysis tools, such as consumer and retail surveys, provide useful information based on a small group of respondents, but specific shipment and destination information will enable the committees to direct their activities to the most successful markets, and perform a more thorough analysis of the benefits of their promotional activities.

Without exact destination information, the committees do not know precisely the quantities of nectarines and peaches shipped to various markets, and, therefore, may be spending funds on promotional activities not appropriate for the particular market. Experience has shown that certain types of promotion are appropriate for developing markets and other activities are more appropriate when trying to expand markets. With the ability to determine the markets to which nectarines and peaches are not shipped, the committees would have the ability to direct their marketing research and promotion funds to open those markets for future shipments. In addition, such information would permit the committees to constructively evaluate the effectiveness of their marketing promotion and research programs by helping them get a better handle on promotions that have been working and those that have not, and determine the reason(s) for the lack of success. The industries have long recognized the importance of this information in making their promotion activities more effective and in helping sell more nectarines and peaches. They have tried voluntary reporting, but this has not worked.

The shipping season for nectarines begins April 1 and ends on October 31 of each year, and the shipping season for peaches begins on April 1 and ends on November 23 of each year. The destination report would be required from all handlers by the fifteenth of the month following the month in which the shipments were made. Handlers would be required to report the number of packages of peaches and nectarines, both yellow and white-fleshed, by variety, grade, and size shipped to each destination. Destination information for domestic market shipments would include the city, state, and zip code. Destination information for international market shipments would include the country to which shipped.

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 300 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 1,800 producers of these fruits in California. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000. Small agricultural producers are defined as those having annual receipts of less than $500,000.

The committees' staff have estimated that there are less than 20 handlers in the industry who could be defined as other than small entities. If the average handler price received were $9.00 per box or box equivalent of nectarines or peaches, a handler would have to ship at least 555,000 boxes to have annual receipts of $5,000,000. Small handlers would, therefore, represent approximately 94 percent of the handlers within the industry. In addition, the staff estimates that there are approximately 400 producers who could be defined as other than small entities. If the average producer price received were $6.00 per box or box equivalent for nectarines and $5.65 per box or box equivalent for peaches, producers would have to produce approximately 84,000 boxes or box equivalents of nectarines and approximately 89,000 boxes or box equivalents of peaches to have annual receipts of $500,000. Therefore, small producer entities would represent approximately 78 percent of the producers within the industry. For these reasons, a majority of the handlers and producers may be classified as small entities.

This proposal would revise §§ 916.160 and 917.178 of the orders' administrative rules and regulations to require handlers to file destination reports on a monthly basis during the shipping season by adding a new paragraph (c) to each section. The information obtained from such reports would improve decision making and program administration with regard to marketing research and development activities undertaken to expand shipments of fresh nectarines and peaches domestically and in foreign markets.

Requiring handlers to file this report on a monthly basis would impose an

additional reporting burden on both small and large handlers. The report is estimated to take one hour to complete. It is further estimated that handlers would file an average of four destination reports per year, creating an estimated total annual burden of 4 hours per handler. The estimated total industry annual burden is, therefore, estimated at approximately 1,200 hours per year for nectarine and peach shipments each.

Although this action would create an additional burden on handlers of fresh nectarines and peaches, the benefits of collecting additional and timely information regarding destinations are anticipated to outweigh the estimated increased reporting burden. The committees would have detailed information about markets to which fruit is sent; and, therefore, would be able to make better-informed decisions about marketing research and promotion fund expenditures and activities undertaken. Such reports and forms would be filed by all handlers, regardless of size; and thus, the increased burden would be equitably distributed to all handlers. Finally, as with all Federal marketing orders programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule are being submitted to the Office of Management and Budget (OMB) for approval. This rule would not become effective until this additional information collection is approved by the OMB. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

An alternative to this proposed action would be to continue operations without required destination reporting. Most committee members agreed that the value of having destination information outweighed the burden on handlers of filing such reports in terms of targeting marketing and promotion funds and activities. In recent years, the committees have decided to keep their marketing and promotion expenses relatively constant. Because of this, the members felt that greater emphasis should be placed on using the funds to their greatest advantage.

All members agreed that continuing to spend promotion funds, without the information to be provided by destination reports, was not in the best interest of the industries. It was agreed, that as the percentage of promotion funds either decreases or remains constant in relationship to total committee funds, and as shipments of nectarines and peaches increase over time, detailed information on the destinations of nectarine and peach shipments would be invaluable in targeting promising markets. The committee members also noted that voluntary destination reports have been requested in the past, but very few handlers provided the information. The committees, therefore, voted unanimously at all the meetings to require destination reports from nectarine and peach handlers.

During the deliberations, some committee members indicated their concern that destination information would not be kept confidential by committee staff. The Act states, in part, in section 608d(2), that ''all information furnished to or acquired by the Secretary of Agriculture pursuant to this section, as well as information for marketing order programs that is categorized as trade secrets and commercial or financial information * * * shall be kept confidential by all officers and employees of the Department of Agriculture.'' In addition, §§ 916.60(d) and 917.50(d) also require committee employees to maintain confidentiality of all reports and records submitted by handlers. Therefore, each handler is generally protected against disclosure of any confidential information the handler furnishes to the committees. Persons found guilty of the unauthorized disclosure of confidential information could be subject to a fine, imprisonment, or both, or could be removed from office.

The committee meetings were widely publicized throughout the tree fruit industry and all interested persons were invited to express their views and participate in committee deliberations. Like all committee meetings, the December 2, 1998, meetings were public meetings, and all entities, large and small, were able to express their views on this issue. The subcommittees meetings were also public meetings at which large and small entities were invited to express their views and participate in deliberations. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

Paperwork Reduction Act (Nectarines)

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request a revision to a currently approved information collection for Nectarines Grown in California, Marketing Order No. 916.

Title: Nectarines Grown in California, Marketing Order 916.

OMB Number: 0581–0072.

Expiration Date of Approval: May 31, 2000.

Type of Request: Revision of a currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables, and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674), industries enter into marketing order programs. The Secretary of Agriculture is authorized to oversee the order operations and issue regulations recommended by a committee of representatives from each commodity industry.

The California nectarine marketing order program, which has been operating since 1958, authorizes the issuance of grade, size, maturity regulations, inspection requirements, and marketing and production research, including paid advertising. Regulatory provisions apply to nectarines shipped within and out of the area of production to any market, except those specifically exempted by the marketing order.

The order and its rules and regulations authorize the Nectarine Administrative Committee (committee), the agency responsible for local administration of the order, to require handlers and producers to submit certain information. Much of this information is compiled in the aggregate and provided to the industry to assist in marketing decisions. The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the California nectarine marketing order program.

The Committee has developed forms as a convenience to persons who are required to file information with the Committee that is needed to carry out the purposes of the Act and the order. These forms require the minimum information necessary to effectively carry out the requirements of the order, and their use is necessary to fulfill the intent of the AMAA as expressed in the order, and the rules and regulations issued under the order.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Program regional and headquarters staff, and authorized employees of the committee. Authorized committee employees and the industry are the primary users of the information and AMS is the secondary user.

This proposed collection consists of a new requirement for handlers to provide information about the destination(s) of nectarine shipments. With shipment destination information from handlers, the committee would be able to make better-informed decisions about the marketing research and development projects conducted. The committee could direct its marketing research and development funds to the most-promising markets. The committee might determine that it is spending funds for promotional activities in markets with limited expansion opportunities. The committee might also find that it is spending too much money in a market where promotion is no longer needed, or only needed to a limited extent. Having information about markets to which nectarines are shipped would be a valuable marketing tool. Not only would such information permit the committee to target markets more effectively for promotion, it would also permit effective measurement of media use and promotional campaigns.

Section 501(c) of the Federal Agriculture Improvement and Reform Act of 1996 requires each advertising program under the oversight of the Department to fund an independent analysis of the effectiveness of the program at least every five years, unless otherwise provided by law. Information on shipment destinations would be useful in performing these analyses for California nectarines.

The proposed revision to the currently approved information requirements issued under the order is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.0 hour per response.

Respondents: Handlers of fresh nectarines produced in California.

Estimated Number of Respondents: 300.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Burden on Respondents: 1,200 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the functioning of the California nectarine marketing order program and USDA's oversight of that program; (2) the accuracy of the collection burden estimate and the validity of methodology and assumptions used in estimating the burden on respondents; (3) ways to enhance the quality, utility, and clarity of the information requested; and (4) ways to minimize the burden, including use of automated or electronic technologies.

Comments should reference OMB No. 0581–0072 and the California Nectarine Marketing Order No. 916, and be sent to the USDA in care of the docket clerk at the address referenced above. 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.

Paperwork Reduction Act (Peaches)

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request a revision to a currently approved information collection for Peaches Grown in California, Marketing Order No. 917.

Title: Peaches Grown in California, Marketing Order 917.

OMB Number: 0581–0080.

Expiration Date of Approval: July 31, 2000.

Type of Request: Revision of a currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674), industries enter into marketing order programs. The Secretary of Agriculture is authorized to oversee the order operations and issue regulations recommended by a committee of representatives from each commodity industry.

The California peach marketing order program, which has been operating since 1939, authorizes the issuance of grade, size, maturity regulations, inspection requirements, and marketing and production research, including paid advertising. Regulatory provisions apply to peaches shipped within and out of the area of production to any market, except those specifically exempted by the marketing order.

The order and its rules and regulations authorize the Peach Commodity Committee (committee), the agency responsible for local administration of the order, to require handlers and producers to submit certain information. Much of this information is compiled in the aggregate and provided to the industry to assist in marketing decisions. The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the California peach marketing order program.

The Committee has developed forms as a convenience to persons who are required to file information with the Committee that is needed to carry out the purposes of the Act and the order. These forms require the minimum information necessary to effectively carry out the requirements of the order, and their use is necessary to fulfill the intent of the AMAA as expressed in the order, and the rules and regulations issued under the order.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Program regional and headquarters staff, and authorized employees of the committee. Authorized committee employees and the industry are the primary users of the information and AMS is the secondary user.

This proposed collection consists of a new requirement for handlers to provide information about the destination(s) of peach shipments. With shipment destination information from handlers, the committee would have the ability to make better-informed decisions about the marketing research and development projects conducted. The committee would be able to direct its marketing research and development funds to the most-promising markets. The committee might also determine that it is spending funds in markets with limited expansion potential, or that it is spending too much money in a market where promotion is no longer needed, or only needed to a limited extent. Having information about markets to which peaches are shipped would be a valuable marketing tool. Not only would such information permit the subcommittee to target markets more effectively for promotion, it would also permit effective measurement of media use and promotional campaigns.

Section 501(c) of the Federal Agriculture Improvement and Reform Act of 1996 requires that each advertising program under the oversight of the Department fund an independent analysis of the effectiveness of the

program at least every five years, unless otherwise provided by law. Information on shipment destinations would be useful in performing these analyses for California peaches.

The proposed revision to the currently approved information requirements issued under the order is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.0 hour per response.

Respondents: Handlers of fresh peaches produced in California.

Estimated Number of Respondents: 300.

Estimated Number of Responses per Respondent: 4

Estimated Total Annual Burden on Respondents: 1,200 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the functioning of the California peach marketing order program and USDA's oversight of that program; (2) the accuracy of the collection burden estimate and the validity of methodology and assumptions used in estimating the burden on respondents; (3) ways to enhance the quality, utility, and clarity of the information requested; and (4) ways to minimize the burden, including use of automated or electronic technologies.

Comments should reference OMB No. 0581–0080 and the California Peach Marketing Order No. 916, and be sent to the USDA in care of the docket clerk at the address referenced above. 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.

A 60-day comment period is provided to allow interested persons to respond to this proposal.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are proposed to be amended as follows:

1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

2. In § 916.160, paragraph (c) is added to read as follows:

§ 916.160 Reporting procedure.

* * * * *

(c) *Destination report.* Each shipper who ships nectarines shall furnish to the manager of the Nectarine Administrative Committee a report of the number of packages of nectarines, both yellow-fleshed and white-fleshed, by variety, grade, and size shipped to each destination. The destination is defined as nectarine shipments to any domestic or international market. Destination information for domestic market shipments shall include city, state, and zip code. Destination information for international market shipments shall include the country to which shipped. This report shall be submitted by the fifteenth of each month following the month in which nectarine shipments were made.

PART 917—PEACHES GROWN IN CALIFORNIA

3. In § 917.178, paragraph (c) is added to read as follows:

§ 917.178 Peaches.

* * * * *

(c) *Destination report.* Each shipper who ships peaches shall furnish to the manager of the Control Committee a report of the number of packages of peaches, both yellow-fleshed and white-fleshed, by variety, grade, and size shipped to each destination. The destination is defined as peach shipments to any domestic or international market. Destination information for domestic market shipments shall include the city, state, and zip code. Destination information for international market shipments shall include the country to which shipped. This report shall be submitted by the fifteenth of each month following the month in which peach shipments were made.

Dated: June 1, 1999.

Bernadine M. Baker,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–14313 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

[DA–99–01]

Milk in the Nebraska-Western Iowa Marketing Area; Termination of Proceeding on Proposed Suspension

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of Proceeding.

SUMMARY: This document terminates the proceeding that was initiated to consider a proposal to suspend portions of the supply plant shipping requirements for the Nebraska-Western Iowa order for the months of March through September 1999.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, PO Box 96456, Washington, DC 20090–6456, (202) 720–2357, e-mail address: connie__m__brenner@usda.gov.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension of Rule: Issued March 11, 1999; published March 17, 1999 (64 FR 13125).

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service considered the economic impact of this rulemaking action on small entities and has certified that this termination of proceeding will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of January 1999, 1,248 dairy farmers were producers under the Nebraska-Western Iowa order. Of these producers, 1,176 producers (i.e., 94 percent) were considered small businesses having monthly milk production under 326,000 pounds. A further breakdown of the monthly milk production of the producers on the order during January 1999 is as follows: 753 produced less than 100,000 pounds of milk; 322 produced between 100,000 and 200,000; 101 produced between 200,000 and 326,000; and 72 produced over 326,000 pounds. During the same month, 5 handlers were pooled under the order. None are considered small businesses.

Because this termination of the proceedings concerning the proposed suspension results in no change in regulation it does not change reporting, record keeping or other compliance requirements. Based on comments received from an organization representing producers who supply the Order 65 market with over 40 percent of the monthly average volume of milk pooled under the order, and on our analysis of other relevant information connected with this rulemaking, we have determined that the suspension request should not be granted. While suspension of the supply plant shipping requirements may have served the economic interests of one sector of the producers supplying Order 65, it would have most likely resulted in a significant loss of blend price income to a substantial number of other producers under the Order.

Preliminary Statement

This termination of proceedings is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice was published in the **Federal Register** on March 17, 1999 (64 FR 13125) concerning a proposed suspension of certain sections of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon.

One comment opposing the proposed termination was received.

Statement of Consideration

This document terminates the proceeding initiated to suspend portions of the supply plant shipping requirements for the Nebraska-Western Iowa order (Order 65) for the months of March through September 1999. The proposed suspension was requested by North Central Associated Milk Producers, Inc. (AMPI), a cooperative association that supplies milk for the market's fluid needs. AMPI requested that language be suspended from the Order 65 pool supply plant definition for the purpose of allowing producers who had historically supplied the fluid needs of Order 65 distributing plants to maintain their pool status. AMPI contended that because a fluid milk plant operator reduced its purchase of fluid milk from AMPI by more than half, AMPI would not be able to pool milk historically associated with Order 65 for March 1999, and thus would not qualify its supply plant for the automatic pooling qualification months of April through August.

AMPI maintained that through discussions with other handlers in the order, it was certain that no additional milk was needed at that time. Thus, AMPI contended that it was appropriate to suspend the supply plant shipping standards for the months of March through September 1999.

Dairy Farmers of America (DFA) filed a comment opposing the proposal to suspend portions of the supply plant shipping requirements for Order 65. DFA reported that its members produce and market over 40 percent of the monthly average volume of milk pooled under the order.

DFA contended that the suspension would enhance AMPI's ability to pool additional supplies on the market, and DFA members would be disadvantaged because the blend price would be lower. In addition, DFA asserted that Federal order language is routinely suspended to accommodate the pooling of milk as a result of general production increases relative to Class I milk sales, natural disasters, or plant closures. DFA stated that the reasons for these types of suspensions are generally beyond the control of any of the handlers regulated by the order and argued that changes in supplier relationships do not fall into the category of ''beyond control of the party.'' DFA therefore opposed the request.

After consideration of all relevant material, including the proposal in the notice, the comment received, and other available information, it is hereby found and determined that the proposed suspension action be terminated. AMPI's loss of 50 percent of its customary sales to a pool distributing plant will not preclude AMPI from pooling its supply plant and some of its members' milk on Order 65. While AMPI may not be able to pool as much milk under Order 65 during March 1999 as it has in prior periods, its supply plant and associated milk may be pooled under the order as long as some milk is sold by the supply plant to pool distributing plants.

Furthermore, the sole requirement for gaining automatic supply plant pooling status (with no percentage shipping standards for pool supply plants) for the months of April through August is for the supply plant to qualify as a pool plant for the months of September through March. If AMPI is able to pool its supply plant, even with a lesser volume of milk than it desires, the supply plant still would qualify for automatic pooling status for the period April through August.

Suspension of the order's pool supply plant shipping standard for the month of March 1999 would allow AMPI to pool a much greater volume of milk under the order than that associated with its sales to the fluid market and most likely would result in a significant loss of blend price income to all other producers whose milk is pooled under the order.

List of Subjects in 7 CFR Part 1065

Milk marketing orders.

The authority citation for 7 CFR part 1065 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: June 1, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99–14312 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 99–014–1]

Animal Welfare; Acclimation Certificates for Dogs and Cats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Animal Welfare Act regulations regarding transportation of dogs and cats by removing the requirement that a veterinarian certify that a dog or cat is acclimated to temperatures lower than the minimum temperature requirements in the regulations and requiring instead that the owner of the dog or cat make this certification. We are proposing this action because a veterinarian cannot always know if the dog or cat has been acclimated to a specific temperature. The owner of the dog or cat can best verify that the animal has been

acclimated to the temperature that is recorded on the certificate. This proposed action would give responsibility for certifying an animal's tolerance for a specific temperature to the person who is most likely to know.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 6, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–014–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–014–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry D. DePoyster, Staff Animal Health Technician, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7586; or e-mail: jerry.d.depoyster@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. The Secretary has delegated the responsibility for enforcing the AWA to the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. Parts 1 and 2 contain definitions and general requirements, and part 3 contains specific standards for the care of animals. Subpart A of 9 CFR part 3 contains requirements specifically pertaining to dogs and cats.

Section 3.18 of subpart A contains minimum requirements for terminal facilities used in the transportation of dogs and cats. Among other things, § 3.18 requires that the ambient temperature in an animal holding area containing dogs and cats must not fall below 45 °F (7.2 °C) for more than four consecutive hours at any time dogs or cats are present. Section 3.19 of subpart A contains minimum requirements for handling dogs and cats when they are moved within, to, or from an animal holding area of a terminal facility or a primary conveyance when being transported. Among other things, § 3.19 requires that dogs or cats must not be exposed to an ambient temperature below 45 °F (7.2 °C) for a period of more than 45 minutes.

Section 3.13, paragraph (e), of subpart A requires that carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless their animal holding area meets the minimum temperature requirements provided in §§ 3.18 and 3.19, or unless the consigner provides them with a certificate signed by a veterinarian certifying that the animal is acclimated to temperatures lower than those required in §§ 3.18 and 3.19.

Veterinarians are often asked to sign certificates of acclimation for dogs and cats that they have seen only for routine examinations or if the animals are ill. A veterinarian cannot determine if a dog or cat has been acclimated to a specific temperature based on a veterinary examination. Therefore, it is inappropriate to place responsibility for such certification on veterinarians. The owner of the dog or cat is normally the person who would know if the dog or cat has been acclimated to a specific temperature.

Therefore, we are proposing to amend § 3.13(e) to require that the owner of the dog or cat sign the certificate stating that his or her animal is acclimated to temperatures lower than those required in §§ 3.18 and 3.19. This revision would give responsibility for certifying an animal's tolerance for a specific temperature to the person who is most likely to know to what temperature the animal is acclimated.

We are also proposing to correct a typographical error in § 3.13(e). In paragraph (e), the Celsius equivalent of 45 °F is incorrectly listed as 2.2 °C. The correct Celsius equivalent is 7.2 °C.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The Animal Welfare Act regulations in 9 CFR part 3, subpart A, provide specifications for the humane transportation of dogs and cats. Among other things under those specifications, carriers and intermediate handlers may not accept a dog or cat for transport in commerce unless their animal holding area meets certain minimum temperature requirements or unless they are provided with a certificate, signed by a veterinarian, certifying that the animal has been acclimated to temperatures lower than those required.

This proposed rule would require instead that the owner of the dog or cat must sign the certification that the animal has been acclimated to temperatures lower than those required by the regulations. The proposal stems from concern that veterinarians are not always the ones who are best able to make such a certification, since they may have minimal knowledge of an animal's history, care, and environment. Licensed dealers are the animal owners who would be primarily affected by the proposal because licensed dealers transport animals more often than other dog and cat owners.

The entities most affected by this proposed rule would be dealers of dogs and cats and the animal's attending veterinarian. Affected dealers and veterinarians would benefit, but the economic effect is not likely to be significant.

Practicing veterinarians would benefit because they would no longer be put in the position of having to deny certifications when they have little or no knowledge of the animal's history, care, and environment. Veterinarians would also benefit because they would avoid any potential liability stemming from the certifications. Veterinarians would no longer receive fees that they might otherwise charge animal owners for signing certifications. However, any such fees are likely to be insignificant when judged against the veterinarian's overall revenues from all sources.

The owners of the dogs and cats would benefit from the proposed rule because it would make the process of obtaining certification easier. They would be able to make the certification themselves without having to rely on veterinarians who may not always be readily available. Another potential benefit for animal owners is that they may avoid having to pay fees to veterinarians to obtain their signatures, although any such savings are not likely to be significant.

Finally, the animals themselves would benefit in that a more accurate representation of the temperature to which the dog or cat has been acclimated would have a positive effect on the animal's health and welfare.

The Regulatory Flexibility Act requires that agencies consider the economic effect of rules on small entities, i.e., small businesses, organizations, and governmental jurisdictions. In FY 1996, there were 4,075 animal dealers licensed by the Animal and Plant Health Inspection Service, including dealers of dogs and cats. The American Veterinary Medical Association estimates that, as of January 1, 1998, there were 30,255 veterinarians in private practice in the United States who deal either exclusively or predominately with small animals, including dogs and cats.

It is reasonable to assume that most of the affected entities are small in size, based on composite data for providers of the same and similar services in the United States. In 1992, the per firm average annual gross receipts for all 6,804 firms in animal specialty services, except veterinary, which include dog and cat dealers, were $115,290. This amount is well below the U.S. Small Business Administration's (SBA) small entity threshold of $5.0 million annually for firms in that category. Similarly, the per practice average annual gross receipts for all 15,880 U.S. veterinary practices, which include practices having more than one veterinarian on staff, that deal exclusively in small animals were $421,000 in 1995. This is well below the SBA's small entity threshold of $5.0 million annually for firms in veterinary services for animal specialties, which include dog and cat veterinarians. It is very likely, therefore, that small entities would be those most affected by the proposed rule change. As stated previously, we believe any economic effects of this proposed rule would not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

Accordingly, we propose to amend 9 CFR part 3 as follows:

PART 3—STANDARDS

1. The authority citation for part 3 would continue to read as follows:

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(d).

§ 3.13 [Amended]

2. In § 3.13, paragraphs (e) introductory text, (e)(3), and (e)(4) would be amended as follows:

a. In paragraph (e), the introductory text, by removing the phrase ''signed by a veterinarian'' and replacing it with the phrase ''signed by the dog or cat owner''; and by removing ''2.2 °C'' both times it appears and replacing it with ''7.2 °C''.

b. In paragraph (e)(3), by removing the phrase ''a veterinarian'' and replacing it with the phrase ''the dog or cat owner''.

c. In paragraph (e)(4), by removing the word ''veterinarian'' and replacing it with the phrase ''dog or cat owner''.

Done in Washington, DC, this 1st day of June 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–14305 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AEA–07]

Proposed Establishment of Class D Airspace; Salisbury, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace area at Salisbury, MD. The Commissioning of a new Air Traffic Control Tower (ATCT) at the Salisbury-Ocean City; Wicomico Regional Airport. (SBY), Salisbury, MD has made this proposal necessary. Controlled airspace extending upward from the surface to 2,500 feet Above Ground Level (AGL) is needed to accommodate Instrument Flight Rules (IFR) operations to the airport.

DATES: Comments must be received on or before July 7, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 99–AEA–07, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental,

and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AEA–07.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Class D airspace area at Salisbury, MD. A new ATCT has been opened at the Salisbury-Ocean City; Wicomico County Regional Airport and Class D controlled airspace is needed to accommodate IFR operations to the airport. Class D airspace designations for airspace areas extending upward from surface to 2,500 feet or more above the surface are published in Paragraph 5000 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedure (44 FR 11934; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only effect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1059–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 5000 Class D airspace areas extending upward from the surface to 2,500 feet or more above the surface of the earth.

* * * * *

AEA MD D [New]

Salisbury-Ocean City; Wicomico County Regional Airport, MD,
(Lat. 382043N/Long. 753062W.)
Salisbury, VORTAC
(Lat. 382070N/long. 763064W.)

That airspace extending upward from the surface to and including 2500 feet above the surface within a 4.1 mile radius of the Salisbury-Wicomico County Regional Airport and within 3.1 miles each side of the Salisbury. VORTAC 209 degree radial extending from the 4.1 mile radius to 9.2 miles southwest of the VORTAC and within 3.1 miles each side of the Salisbury VORTAC 0-52 radial extending from the 4.1 mile radius to 8.3 miles northeast of the VORTAC and within 1 mile each side of the Salisbury-Wicomico County Regional Airport localizer northwest course extending from the 4.1 mile radius to 4.8 miles northwest of the localizer and within 3.1 miles each side of the Salisbury VORTAC 132 degree radial extending from the 4.1 mile radius to 9.2 miles southeast of the VORTAC. This Class D airspace areas is effective during the specific dates and items established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

* * * * *

Issued in Jamaica, New York, on May 27, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99–14218 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–21]

Proposed Modification of Class E Airspace; Kingman, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify the Class E airspace at Kingman, AZ. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 3 and GPS RWY 21 at Kingman Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 3 SIAP to Kingman Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kingman Airport, Kingman, AZ.

DATES: Comments must be received on or before July 19, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 97–AWP–21, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520,

Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWP–21.'' The postcard will be date/time stamped and returned to the commenters. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by modifying the Class E airspace area at Kingman, AZ. The establishment of a GPS RWY 3 and GPS RWY 21 SIAP at Kingman Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS RWY 3 SIAP at Kingman Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS RWY 3 SIAP at Kingman Airport, Kingman, AZ. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

AWP AZ E5 Kingman, AZ [Revised]

Kingman Airport, AZ
(Lat. 35°15′34″N, long. 113°56′17″W)
Kingman VOR/DME
(Lat. 35°15′38″N, long. 113°56′03″W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Kingman Airport and that airspace within 4.3 miles each side of the Kingman VOR 025°radial, extending from the 4.3-mile radius to 16.5 miles northeast of the Kingman VOR and that airspace 1.7 miles each side of the Kingman VOR 226° radial, extending from the 4.3-mile radius to 9 miles southwest of the Kingman VOR. That airspace extending 1,200 feet above the surface within 4.3 miles southeast and 7.8 northwest of the Kingman VOR 025° and 205° radii, extending from 11.3 miles southwest to 33 miles northeast of the Kingman VOR and that airspace bounded by a line beginning at lat. 35°24′50″N, long. 114°01′20″W; to lat. 35°08′40″N, long. 114°10′29″W; to lat. 35°21′15″N, long. 114°13′28″W, thence to the point of beginning.

* * * * *

Issued in Los Angeles, California, on May 20, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–14216 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–1]

Proposed Modification of the San Juan Low Offshore Airspace Area, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend the San Juan Low Offshore Airspace Area by extending it to include the airspace northwest of San Juan, PR, between the 100-mile radius of the Fernando Luis Ribas Dominicci Airport and the San Juan Control Area/Flight Information Region (CTA/FIR) and

Miami CTA/FIR boundary. The FAA is proposing this action to increase the airspace managed by domestic air traffic control (ATC). Extension of this Class E airspace area would enhance the management of air traffic operations and result in more efficient use of that airspace.

DATES: Comments must be received on or before July 19, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 99–ASO–1, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320. The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, ASO–500, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

FOR FURTHER INFORMATION CONTACT: Terry Brown, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments providing supporting facts for the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ASO–1.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking also will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661). Internet users may reach the **Federal Register**'s web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice or docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On March 2, 1993, the FAA published a final rule (58 FR 12128) which, in part, designated the San Juan Low Offshore Airspace Area. This designation was necessary to comply with the Airspace Reclassification final rule (56 FR 65638; December 17, 1991). The San Juan Low Offshore Airspace Area consists of Class E airspace from 5,500 feet mean sea level up to, but not including, Fight Level 180 within a 100-mile radius of the Fernando Luis Ribas Dominicci Airport, San Juan, PR. This airspace, however, is inadequate to support the Caribbean Special Area Navigation (RNAV) Routes currently being evaluated in the Bahamas/Caribbean area due to the rapid growth of air traffic activity in the area. Therefore, there is a need to designate additional airspace wherein domestic ATC procedures would be used to provide more efficient control of aircraft operations.

The Proposal

The FAA is proposing to amend 14 CFR part 71 to extend the San Juan Low Offshore Airspace Area. The proposed extension area would consist of that portion of Offshore airspace northwest of San Juan, PR, between the 100-mile radius of the Fernando Luis Ribas Dominicci Airport and the San Juan CTA/FIR and Miami CTA/FIR boundary.

This modification would support the implementation of the Caribbean Special RNAV Routes for aircraft equipped with advanced navigation systems by creating a seamless environment of controlled airspace between Florida and Puerto Rico. Increasing the airspace managed by domestic ATC procedures, would enhance safety, increase system capacity, reduce the cost of aircraft operations, and decrease controller workload.

Offshore Airspace Area designations are published in paragraph 6007 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The offshore airspace area designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of Air Traffic

Airspace Management, in areas outside U.S. domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention.

Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6007—Offshore Airspace Areas

* * * * *

San Juan Low, PR [Revised]

That airspace extending upward from 5,500 feet MSL from the point of intersection of the San Juan Oceanic CTA/FIR and Miami Oceanic CTA/FIR boundary at lat. 21°08′00″ N., long. 67°45′00″ W., thence from that point southeast via a straight line to intersect a 100-mile radius of the Fernando Luis Ribas Dominicci Airport at lat. 19°47′28″ N., long. 67°09′37″ W., thence clockwise via a 100-mile radius of the Fernando Luis Ribas Dominicci Airport to lat. 18°53′05″ N., long. 67°47′43″ W., thence from that point northwest via a straight line to interest the point where the Santo Domingo FIR turns northwest at lat. 19°39′00″ N., long. 69°09′00″ W., thence from that point northeast along the San Juan CTA/FIR and Miami CTA/FIR boundary to the point of beginning.

* * * * *

Issued in Washington, DC, on May 28, 1999.

Paul Gallant,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–14214 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 668

[FHWA Docket No. FHWA–97–3105]

RIN 2125–AE27

Emergency Relief Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to amend its regulation on the emergency relief (ER) program to revise the threshold used in determining eligibility for a disaster from $500,000 to $700,000. The threshold is used to distinguish between heavy maintenance or routine emergency repairs and serious damage eligible under the ER program. An advance notice of proposed rulemaking (ANPRM) on the disaster eligibility threshold was published in the **Federal Register** on February 19, 1998, seeking comments on the need to revise the threshold and various options to accomplish this.

In addition, the FHWA proposes to amend the regulation to include recent clarifying guidance on administering the ER program. The amendments include clarification of ER funding eligibility for betterment/replacement facilities, for projects and project features resulting from the National Environmental Policy Act (NEPA) process, and for traffic damage caused by response vehicles. In addition, changes made in the ER application process are included, as well as minor revisions to guidance for eligible uses of ER funding.

DATES: Written comments are due on or before August 6, 1999. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Signed written comments should refer to the docket number that appears at the top of this document and should be submitted to the Docket Clerk, U.S. DOT Dockets Room PL–401, 400 Seventh Street, SW., Washington, D.C 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mohan P. Pillay, Office of Engineering, 202–366–4655, or Wilbert Baccus, Office of the Chief Counsel, 202–366–0780, FHWA, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resources locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at http://www.nara.gov/fedreg and at the Government Printing Office's databases at http://www.access.gpo.gov/nara.

Background

The current FHWA regulations implementing the emergency relief program are found primarily in 23 CFR 668. Subpart A of part 668 sets forth the procedures for the administration of ER funds for the repair or reconstruction of Federal-aid highways caused by natural disasters or catastrophic failures. For the purposes of this NPRM, the term disaster referred to throughout this document means a natural disaster or catastrophic failure. The FHWA proposes to amend these regulations in the following manner and for reasons indicated below.

In response to the ANPRM published in the **Federal Register** on February 19, 1998, 63 FR 8377, the FHWA received comments from a total of 24 entities. The commenters include 17 State Departments of Transportation (DOT), 3 county governments, 2 State Associations of County Engineers, 1 State County Highway Association, and the American Road and Transportation Builders Association (ARTBA).

The ANPRM solicited comments basically on two options and also requested commenters suggest additional options and concepts. The two options were: (1) continue to have a single ER threshold applied to all States, but increase the threshold to a higher value—for example $1,000,000; or (2) formulate more than one disaster eligibility threshold using a tiered approach based on the size of a State's highway program. Under the second option the States would be grouped into tiers based on the size of their Federal-aid program—i.e., Federal-aid apportionments a State received in the previous fiscal year. A minimum disaster eligibility threshold would be formulated for each tier beginning from a base threshold. For example, a $500,000 threshold for Federal-aid highway apportionments under $100 million; a $1,000,000 threshold for apportionments over $100 million and below $500 million; and a $2,000,000 threshold for apportionments at or above $500 million.

Discussion of Comments

Most commenters to the ANPRM are opposed to the revision of the $500,000 threshold, with only two commenters favoring the proposal to increase the threshold: one to $1,000,000, and the other to $750,000 adjusted to inflation every five years. The commenters' argument against revising the existing threshold is that they allege it would create extreme hardship on local units of government, whose resources are very limited. Commenters assert that they do not have the flexibility to shift resources from other areas to cover the cost of road damage due to a natural disaster. The commenters provided no explanation or evidence why it was appropriate or feasible for the Federal government, rather than the State governments, to pay these costs from its very limited resources.

All commenters, except 4 State DOTs, oppose the tier concept which involves formulating more than one minimum disaster eligibility threshold based on the funding size of a State's Federal-aid highway program. It should be noted that a substantial portion of the ER program funds in most of the eligible disasters goes to repair damages on Federal-aid highways owned and administered by the counties and other local jurisdictions. The tier concept is opposed mainly because commenting entities indicated that the counties and other local agencies would not be treated equally from State to State.

Two commenters suggested applying a flat rate percentage to the State's Federal-aid highway program to come up with a threshold value. One State DOT recommended that the threshold level be set at 0.4 percent of total Federal-aid apportionments for all States. Another State DOT stated that, in lieu of a tiered system, the threshold for a qualifying disaster be set at ½ of 1 percent of the amount ''allocated to a State by Congress.''

One State DOT recommended adjusting the minimum threshold to $750,000 with an inflationary adjustment every five years based on the road construction cost index.

ER Threshold

After considering all comments received, the FHWA has decided not to further pursue the tier option concept and the proposed fixed percentage concept. Both approaches would have the same adverse impact on county and local governments. Upon further evaluation, we believe that it would not be advisable to pursue either the tier option or the fixed percentage option because the counties and other local agencies would not be treated equally from State to State. For example, a county whose Federal-aid highways have sustained $1.5 million of eligible ER repair costs, but is located in a State where the ER eligibility threshold is set at $2 million, would not receive any benefits from FHWA ER program funds. On the other hand, another county with the same amount of damage, but located in a State with a $1 million threshold, would be eligible to receive ER assistance. Also, we are concerned that under either the tier or fixed percentage approach, the States with larger highway programs could lose some ER funding, as the higher disaster eligibility threshold in these States might eliminate some disasters which would have qualified for funding under the current threshold.

The FHWA believes that a revision of the current threshold is reasonable and prudent. It should be noted that 23 CFR 668, subpart A, was revised in 1987 to establish, for the first time, dollar guidelines for consideration of whether a disaster would be categorized as ''serious '' from the perspective of 23 U.S.C. 125. The $500,000 threshold was established to distinguish between heavy maintenance or routine emergency repairs and serious damage eligible under the ER program. This threshold at a minimum, must be elevated to reflect the change in the current purchasing power of the dollar.

The FHWA, therefore, proposes to use the increase in the composite index for the Federal-aid highway construction from 1987 to 1997. Section 668.105(j) would be amended to increase the minimum disaster eligibility threshold to $700,000. The FHWA would plan to periodically review the threshold and adjust as appropriate, through future rulemakings. In exceptional circumstances, such as in the case of Territories and in States with small highway programs, a disaster under the $700,000 threshold could be considered eligible for ER funding as is now the case with damage in the range of $500,000 or slightly less under the existing ER threshold.

ER Program Administration

In addition, the FHWA proposes to amend the part 668 regulation as follows to include recent clarifying guidance on administering the ER program:

Section 668.103 would be amended to include the following definition for betterments: ''Betterments.—Added protective features, such as rebuilding of roadways at a higher elevation or the lengthening of bridges, or changes which modify the function or character of a highway facility from what existed prior to the disaster or catastrophic failure, such as additional lanes or added access control.'' This amendment would clarify betterment guidance since there has been wide interpretation of the term ''betterments'' for determining ER funding eligibility. This definition of betterments would clearly establish the meaning of this term for the purposes of the FHWA's ER program.

Section 668.103 would also be amended to modify the definition of emergency repairs by replacing the

word ''travel'' with the word ''traffic'' to be consistent with other use of this phrase in title 23 United States Code, and in this regulation concerning the ER program. This revision would make item (3) under the definition read ''restoring essential traffic'' instead of ''restoring essential travel.''

Section 668.109(b)(6) would be amended to eliminate from the first sentence, ''such as relocation, replacement, upgrading or other added features not existing prior to the disaster.'' This would make this section consistent with the modified definition of betterments proposed to be included in Section 668.103. This revision would eliminate confusion in interpreting the term ''betterments'' for ER funding eligibility determination and would make it clear that relocation or replacement of a highway facility is not always a betterment under the ER program.

Section 668.109(c)(2)(i) would be amended by inserting the term to any public road'' after the word ''damage'' to further clarify the meaning of the sentence.

Section 668.109(c)(2)(iii) would be revised to expand the eligibility of ER funds to repair damages to Federal-aid highways caused by, not only vehicles making repairs to other transportation facilities, but also vehicles, such as fire engines or trucks removing debris, which are responding to a disaster.

Section 668.109(c)(8) would be amended by adding the term ''including snow and ice removal'' after the word ''system.'' This would clarify that snow and ice removal are part of the other normal maintenance activities and are not eligible for ER funding.

Section 668.109 (d) would be amended by replacing the phrase ''highway facilities'' with the phrase ''of a highway facility at its existing location'' in the first sentence after the term ''replacement;'' and by adding the following sentence after the last sentence: ''Where it is neither practical nor feasible to replace a damaged highway facility in kind at its existing location, an alternate facility selected through the National Environmental Policy Act (NEPA) process, if of comparable function and character to the destroyed facility, is eligible for ER reimbursement.'' This would further clarify the guidance on eligibility of replacement highway facilities, particularly in those special cases where replacement of a damaged highway is not practical or feasible at its existing location, and an alternative is developed through the NEPA process.

Section 668.111(b) on application procedures and the need for the field report would be modified to acknowledge the quick release process. The ''Quick Release'' process is used to very quickly deliver ER assistance to large disasters where damage is obvious and evident and there is an immediate need to make ER funds available to States within a very short time frame.

Section 668.111(c)(2) would be amended to add the term ''as appropriate'' after the term ''field report.'' This would allow enough flexibility in those instances where the quick release process is used as outlined in the added new section 668.111(b)(3). This would clarify section 668.111(c)(2) that an ER application need not include a field report if the application is to be processed under the ''Quick Release'' method.

Section 668.113(b)(1) would be revised to reflect the current project procedures. The reference to ''the certification acceptance procedures found in 23 U.S.C. 117'' would be eliminated because the method using certification acceptance procedures in administering Federal-aid projects has been eliminated from Title 23, U.S.C. by Transportation Equity Act for the 21st Century, TEA–21, P.L. 105–178.

Rulemaking Analysis and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to the late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the U.S. Department of Transportation's regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking would be minimal. These proposed changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. This rulemaking proposes to amend current regulations implementing the emergency relief program to revise the ER eligibility threshold established 10 years ago, as well as to incorporate changes made to clarify the guidance on the ER program. It is not anticipated that these proposed changes would affect the total Federal funding available under the ER program. Consequently, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action would not have a significant economic impact on a substantial number of small entities.

The economic impact on States and local jurisdictions would be minimal because the increase in threshold value is kept at a minimum level only to account for inflation based on the increase in the composite index for Federal-aid highway construction from 1987 to 1997. These amendments would clarify and simplify procedures used for providing emergency relief assistance to States in accordance with the existing laws, regulations and guidance. The ER funds received by the States would not be significantly affected by these proposed amendments. In any event, States are not included in the definition of ''small entity'' set forth in 5 U.S.C. 601. Therefore, this proposed action would not have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act.

Unfunded Mandates Reform Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the FHWA must prepare a budgetary impact statement on any proposal or final rule that includes a Federal mandate that may result in estimated annual costs to State, local or tribal government of $100 million or more. The Congressional Budget Office has also concluded that Pub. L. 105–117 would impose no Federal mandates, as defined in the Unfunded Mandates Reform Act, and would impose no significant costs on State, local, or tribal government. The FHWA concurs in that conclusion, and does not intend to impose any duties upon State, local, or tribal governments beyond those prescribed by Pub. L. 105–117.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. These proposed amendments would not preempt any State law or State regulation, and no significant additional costs or burdens would be imposed on the States thereby. In addition, this proposed rule would not affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This proposed action does not contain a collection of information requirement for the purpose of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR 668

Disaster assistance, Emergency Relief Program, Grant programs-transportation, Highways and roads.

Issued on: May 25, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, part 668 as set forth below.

PART 668— EMERGENCY RELIEF PROGRAM

1. The authority citation for part 668 continues to read as follows:

Authority: 23 U.S.C. 101, 120(e), 125, and 315; 49 CFR 1.48(b).

2. Section 668.103 is amended by adding the term ''Betterments'' in alphabetical order, and by revising paragraph (3) of the term ''Emergency repairs'' to read as follows:

§ 668.103 Definitions.

* * * * *

Betterments. Added protective features, such as rebuilding of roadways at a higher elevation or the lengthening of bridges, or changes which modify the function or character of a highway facility from what existed prior to the disaster or catastrophic failure, such as additional lanes or added access control.

* * * * *

Emergency repairs. * * *

(3) Restoring essential traffic.

* * * * *

3. Section 668.105(j), is amended by removing the figure ''$500,000'' and inserting in its stead the figure ''$700,000''.

4. Section 668.109 is amended by revising paragraphs (b)(6), (c)(2)(i) and (iii), (c)(8), and (d) to read as follows:

§ 668.109 Eligibility.

* * * * *

(b) * * *

(6) Betterments, only where clearly economically justified to prevent future recurring damage. Economic justification must weigh the cost of betterment against the risk of eligible recurring damage and the cost of future repair;

* * * * *

(c) * * *

(2) * * *

(i) Repair of surface damage to any public road caused by traffic making repairs to Federal-aid highways.

* * * * *

(iii) Repair of surface damage to Federal-aid highways caused by vehicles responding to a disaster; provided the surface damage has occurred during the first 60 days after a disaster occurrence, unless otherwise approved by the FHWA Division Administrator.

* * * * *

(8) Other normal maintenance and operation functions on the highway system including snow and ice removal; and

* * * * *

(d) Replacement of a highway facility at its existing location is appropriate when it is not technically and economically feasible to repair or restore a seriously damaged element to its predisaster condition and is limited in ER reimbursement to the cost of a new facility to current design standards of comparable capacity and character to the destroyed facility. With respect to a bridge, a comparable facility is one which meets current geometric and construction standards for the type and volume of traffic it will carry during its design life. Where it is neither practical nor feasible to replace a damaged highway facility in kind at its existing location, an alternative selected through the National Environmental Policy Act (NEPA) process, if of comparable function and character to the destroyed facility, is eligible for ER reimbursement.

* * * * *

5. Section 668.111 is amended by adding paragraph (b)(3); and revising paragraph (c)(2) to read as follows:

§ 668.111 Application procedures.

* * * * *

(b) * * *

(3) For large disasters where extensive damage to Federal-aid highways is readily evident, the FHWA Administrator may approve an application under paragraph (d) of this section prior to preparation of the field report. In these cases, an abbreviated field report, summarizing eligible repair costs by jurisdiction, is to be prepared and submitted to FHWA Headquarters after the damage inspections have been completed.

(c) * * *

(2) A copy of the field report as appropriate.

* * * * *

6. Section 668.113 is amended by revising paragraphs (b)(1) and (b)(3) to read as follows:

§ 668.113 Program and project procedures.

* * * * *

(b) *Project procedures.* (1) Projects for permanent repairs shall be processed in accordance with regular Federal-aid procedures. In those cases where a regular Federal-aid project in a State similar to the ER project would be handled under the project oversight exceptions found in title 23 of the United States Code, the ER project can be handled in a similar fashion subject to the following two conditions:

(i) Any betterment to be incorporated into the project and for which ER funding is requested must receive prior FHWA approval; and

(ii) The FHWA reserves the right to conduct final inspections on all ER projects. The Division Administrator has the discretion to undertake final inspections on ER projects as deemed appropriate.

(2) * * *

(3) Emergency repair meets the criteria for categorical exclusions pursuant to 23 CFR 771.117 and normally does not require any further NEPA approvals.

[FR Doc. 99–14290 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Review of regulations; request for comment.

SUMMARY: MMS has been performing annual reviews of its significant regulations and asking the public to participate in these reviews since 1994. The purpose of the reviews is to identify and eliminate regulations that are obsolete, ineffective, or burdensome. In addition, the reviews are meant to identify essential regulations that should be revised because they are either unclear, inefficient, or interfere with normal market conditions. As MMS moves towards performance based regulations, we are looking at ways to offer regulatory relief to industry for exceptional performance. We request your comments and suggestions with respect to which regulations could be more performance based and less prescriptive.

The purpose of this document is twofold. First, we want to provide the public an opportunity to comment on MMS regulations that should be eliminated or revised, or could be more performance based. Second, we are providing a status update of the actions MMS has taken on comments previously received from the public in response to documents published March 1, 1994, March 28, 1995, May 20, 1996, April 24, 1997, and June 12, 1998. We will only include in this document status updates on comments which have not been closed or implemented in the five previous status update documents listed above.

DATES: Written comments must be received by August 6, 1999.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service; Mail Stop 4230; 1849 C Street NW; Washington, DC 20240; Attention: Bettine Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Bettine Montgomery, Policy and Management Improvement, telephone: (202) 208–3976; Fax: (202) 208–4891; and E-Mail: Elizabeth.Montgomery@mms.gov.

SUPPLEMENTARY INFORMATION: MMS began a review of its regulations in early 1994 under the directives contained in the President's Executive Order 12866. The Executive Order calls for periodic regulatory reviews to ensure that all significant regulations are efficient and effective, impose the least possible burden upon the public, and are tailored no broader than necessary to meet the agency's objectives and Presidential priorities.

We invited the public to participate in the regulatory review. The invitation was sent out via different media, namely a **Federal Register** document dated March 1, 1994 (59 FR 9718); MMS and independent publications; and public speeches by MMS officials during that time.

MMS received approximately 40 public comments which were almost equally divided between its Royalty Management and Offshore Minerals Management Programs. We acknowledged the comments in a July 15, 1994 (59 FR 36108), document and set forth our planned actions to address the comments, along with an estimated timetable for these actions.

In the **Federal Register** notices published March 28, 1995 (60 FR 15888); May 20, 1996 (61 FR 25160); April 24, 1997 (62 FR 19961); and June 12, 1998 (63 FR 32166), MMS: (a) asked for further public comments on its regulations, and (b) provided a status update of actions it had taken on the major public comments received to date. We received 10 responses from the 1995 document, 5 responses from the 1996 document, 2 responses from the 1997 document, and 3 responses from the 1998 document. A number of the commentators expressed appreciation for our streamlining efforts and responsiveness to suggestions from our regulated customers.

This document updates our planned actions and related timetables on the major comments received to date. It also solicits additional comments from the public concerning regulations that should be either eliminated or revised, or could be more performance based. Since some of the public responses received in response to prior documents contained comments on very specific and detailed parts of the regulations, this document does not address every one received. For information on any comment submitted which is not addressed in this document, please contact Mrs. Montgomery at the number and location stated in the forward sections of this document.

MMS regulations are found at Title 30 in the Code of Federal Regulations. Parts 201 through 243 contain regulations applicable to MMS's Royalty Management Program; Parts 250 through 282 are applicable to MMS's Offshore Minerals Management; and Part 290 is applicable to Administrative Appeals.

Status Report

The following is a status report by program area on the comments MMS has received, to date, on its regulations.

A. Offshore Minerals Management (OMM) Program

OMM is currently reviewing the following 10 sections of OMM regulations:

1. Regulations Governing Conservation of Resources and Diligence (30 CFR 250, Subpart A)

Comments Received—(a) ''Revise Determination of Well Producibility to make wireline testing and/or mud logging analysis optional * * *.'' (b) ''* * * consider comments from the 11/30/95 MMS sponsored workshop to formulate policy for granting SOP (suspension of production) approvals based on host capacity delays, non-contiguous unitization, and market conditions/economic viability.''

Action Taken or Planned—For (a) above, a proposed rule, ''Postlease Operations,'' revising Subpart A was published on February 13, 1998 (63 FR 7335). This revision addressed the determination of well producibility, and the public was invited to comment on this and all areas of the proposed rule. The comment period closed on July 17, 1998. For (b) above, MMS did consider the comments from the November 30, 1995, workshop on granting suspensions of production when preparing the proposed rule. A final rule is being prepared for publication.

Timetable—We plan to publish the final rule by mid-summer of 1999.

2. Regulations Applicable to Directional Surveys (30 CFR 250.401, Subpart D)

Comments Received—''Revise directional survey requirements to allow a composite measurement-while-drilling

directional survey to be acceptable * * *.''

Action Taken or Planned—We are rewriting the regulations governing Oil and Gas Drilling Operations, found in 30 CFR Part 250, Subpart D, in plain English. During this rewrite, we are making appropriate revisions to the regulations. Updating the requirements for directional survey requirements is one of the revisions planned for this rewrite.

Timetable—We plan to publish a Notice of Proposed Rulemaking in the fall of 1999.

3. Approval and Reporting Processes for Well-Completion Operations (30 CFR 250.513)

Comments Received—''* * * a recompletion operation requires that a Well Summary Report MMS–125 be filed within 30 days. Much of this data is repetitious of data previously submitted on the Sundry Notice MMS–124. The process could be changed to provide only data that has changed.''

Action Taken or Planned—We don't plan to change these reporting requirements at this time. We're working on plans to implement electronic reporting, which will streamline the process and increase reporting efficiency.

Timetable—No plans to change reporting requirements.

4. Safety System Design and Installation (30 CFR 250.122)

Comments Received—''We believe that the (Safety and Environmental Management Program) SEMP/RP 75 Performance Measure process of alternative compliance for operators who voluntarily implement RP 75 and have ''good'' performance should allow those operators to periodically update drawings and other documents of production safety system installations and routine modifications instead of receiving required MMS approval of these documents before any modifications are performed (Comment #14 of our July 17, 1996 letter). This is one example of the alternative compliance process that we suggest.''

Action Taken or Planned—This comment expresses an interest for regulatory relief in exchange for ''compliance'' with API RP75. This industry standard captures the essence of SEMP. On August 13, 1997, MMS published a **Federal Register** notice on SEMP (62 FR 43345). This notice publicly relayed our intent to continue collaborative efforts with the U.S. offshore oil and gas industry to promote the non-regulatory (i.e., voluntary) adoption of SEMP; it simultaneously relayed our intent to increasingly focus on operator performance in the field. We made this decision after extensive review of the industry's actions to adopt RP75. We have seen important strides made in the development of SEMP programs by the majority of OCS operators. We have, however, still not seen widespread implementation of these programs on offshore installations. In the most recent SEMP notice, we asked senior company officers to notify MMS when they had ''fully'' implemented SEMP at the field level. In our view, ''fully'' means that an operator has developed their SEMP plan and has implemented it at enough of their offshore installations to commence continuous improvement efforts (e.g., SEMP audits). At the end of April 1999, we had received such notifications from only eight OCS operators. This fact leads us to conclude that SEMP is not yet broadly implemented at the field level. Therefore, any requests for regulatory relief in exchange for SEMP implementation will need to be made to MMS on an ad hoc basis by operators who are prepared to demonstrate, and have us verify, both the extent of their SEMP implementation and their field-level performance.

We have begun the process of revising 30 CFR Part 250, Subpart H. The process changes suggested will be considered internally during preparation of the Notice of Proposed Rulemaking.

Timetable—We expect to publish for comment the Notice of Proposed Rulemaking for a revised 30 CFR Part 250, Subpart H, at the end of 1999.

5. Regulations Applicable to Production on the Outer Continental Shelf (30 CFR Part 250, Subpart H)

Comments Received—Production Safety System Testing and Records (30 CFR 250.124)—''OOC (Offshore Operators Committee) is very much interested in working with MMS on a research project beginning in 1997 to consider appropriate leak rate tolerances for critical safety devices (Comment #11 of our July 17, 1996 letter) as well as testing frequencies of accurate and reliable new generation safety devices (Comment #13 of our July 17, 1996 letter).''

Action Taken or Planned—MMS initiated a research project in September 1997 with Southwest Research Institute which investigated the question of leak rate tolerances for critical safety devices. Final results from the study should become available to the public in June 1999. We have also initiated the rulemaking process to revise all of Subpart H. As part of this process, we will discuss internally testing frequencies for safety devices. Any proposed changes to testing frequencies will appear in the Notice of Proposed Rulemaking for Subpart H.

Timetable—We expect the Notice of Proposed Rulemaking for a revised Subpart H to appear in the **Federal Register** for comment at the end of 1999.

6. Regulations Governing Safety and Pollution Prevention Equipment (SPPE) (30 CFR Part 250.126, Subpart H)

Comments Received—''Revise regulations governing Safety Valves to increase time between test and allowable leakage rates.''

Action Taken or Planned—As discussed under Item No. 5, MMS contracted with Southwest Research Institute in September 1997 to study leakage rates for surface and subsurface safety valves.

Timetable—As noted previously, the final results of the Southwest Research Institute Study will be made available this June. Any changes to our regulations as a result of this study will be incorporated into the Notice of Proposed Rulemaking for 30 CFR 250, Subpart H, projected to be published for comment by the end of 1999.

7. Regulations Regarding Construction and Removal of Platforms and Structures (30 CFR 250, Subpart I)

Comments Received—(a) ''Modify platform design wave return period calculation by placing a cap of 100 years on the field life calculation * * *.'' (b) ''Adopt API RP2A (20th edition) Section 14, Surveys, in its entirety * * *.'' (c) ''Revise site clearance requirements * * *.'' (d) ''Revise requirements for placing protective domes over well stubs * * *,'' etc.

Action Taken or Planned—For (a), (c), and (d) above, the proceedings for the International Workshop on Offshore Lease Abandonment and Platform Disposal held in April 1996 were published in 1997. We will be considering the comments we received from the proceedings in drafting a proposed rule on decommissioning. For (b) above, Notice to Lessees (NTL 98–4N) was issued on March 4, 1998. It contains interim guidance for applying ''Simplified Fatigue Analysis'' Procedure from American Petroleum Institute (API) Recommended Practice 2A (RP2A), Planning, Designing, and Constructing Fixed Offshore Platforms, Nineteenth Edition (August 1, 1991), and Twentieth Edition (July 1, 1993), and its supplement 1 (February 1, 1997). When the Twenty-First Edition is published, we will be reviewing it to decide whether or not MMS will adopt it.

Timetable—For (a), (c), and (d) above, we plan to publish for comment a Notice of Proposed Rulemaking on decommissioning by December 1999. For (b) above, COMPLETED.

8. Regulations Applicable to Pipelines and Pipeline Rights-of-Way (30 CFR 250, Subpart J)

Comments Received—Revise regulations to avoid duplication of requirements between the Department of the Interior (DOI) and the Department of Transportation (DOT). The following comments were submitted on the proposed rule on regulating pipelines which was published October 2, 1997 (62 FR 51614): Commentators raised concerns about the Notice of Proposed Rulemaking involving technical issues affecting the applicability of the rule to producer-operated pipelines. The pipelines were either previously subject to DOT regulation under terms of the former 1976 Memorandum of Understanding between DOI and DOT, or cross into State waters without first connecting to a transporting operator's pipeline on the Outer Continental Shelf as described in the 1996 Memorandum of Understanding.

Action Taken or Planned—As stated in our previous Notice, ''Reviewing Existing Regulations'' (June 12, 1998), a Memorandum of Understanding on the pipeline issue between DOI and DOT became effective December 10, 1996, and was published in the **Federal Register** on February 14, 1997 (62 FR 7037). Since then, we have published a final rule on August 17, 1998 (63 FR 43876) clarifying regulatory jurisdiction of producer-operated pipelines that connect to transportation pipelines on the Outer Continental Shelf. We are now proceeding with a proposed rule that will clarify and resolve the technical issues concerning producer-operated pipelines that cross into State waters without first connecting to transportation pipelines on the Outer Continental Shelf.

Timetable—We plan to publish the Notice of Proposed Rulemaking incorporating comments on the earlier proposed rule by mid-summer 1999.

9. Shallow Hazards Requirements (NTL No. 83–3)

Comments Received—'' * * * revise (Notice to Lessees) NTL No. 83–3 which relates to shallow hazards requirements. Industry has requested that MMS allow use of navigational positioning equipment in lieu of buoying pipelines.''

Action Taken or Planned—Notice to Lessees (NTL) No. 83–3 has been superseded by NTL No. 98–20. In NTL No. 98–20, however, we did not address this comment on navigational positioning equipment. We are planning to revise NTL No. 98–20, and are in the process of developing guidance for navigational positioning equipment technology. In the planned revision of NTL No. 98–20, industry may still use buoying, but if they choose not to use buoying, the NTL will require the use of state-of-the-art navigational systems. This will assure the accuracy and safety of anchoring operations in the vicinity of pipelines.

Timetable—Ongoing.

10. Regulations Applicable to Production Safety System Training (30 CFR 250.214, Subpart O)

Comments Received—In response to a June 10, 1997, workshop on the development of a performance based training rule, MMS received a variety of comments from the oil and gas industry and MMS accredited training schools. These comments include: (a) ''Continue to implement the current Subpart O training system.'' (b) ''Develop a dual training system incorporating elements from both a performance based program and MMS's current system.'' (c) ''Companies may neglect training under a performance based system.'' (d) ''MMS should use caution when changing from the current prescriptive training system * * *.'' (e) ''* * * use of a written MMS test may cause employees stress that would lead to poor performance on the exams.'' (f) ''* * * hands-on simulator testing is an excellent and realistic means of gauging performance. * * * MMS may not have the expertise or equipment to properly conduct simulator tests.'' (g) ''Hands-on testing should only be conducted onshore, not offshore.'' (h) ''How will MMS react to a company that does not train its employees but has a good safety record * * *.'' (I) ''This may not be the right time to move towards a performance system because of the increase in OCS activity and the shortage of trained and experienced workers.''

Activity Taken or Planned—On April 20, 1999, we published for comment a proposed rule on a performance based training program which relies on industry to design its training programs (64 FR 19318). In this proposed rule, ''Training of Lessee and Contractor Employees Engaged in Oil and Gas and Sulphur Operations in the Outer Continental Shelf,'' we propose to monitor the program through tests and audits. The comment period ends July 17, 1999. We have scheduled a public workshop on this proposed rule in Houston on June 10, 1999 (64 FR 23029).

Timetable—We plan to publish the final rule in the spring of the year 2000.

Overview of MMS/Offshore Minerals Management Regulatory Actions

The Offshore Minerals Management Program has scheduled an ambitious program in the coming year for rewriting current rules into Plain English and updating them to reflect changing conditions in the energy industry. We want to summarize some of the highlights of this rule rewriting effort.

- *Postlease Operations Safety* (30 CFR 250, Subpart A)—Final rule to be published by mid-summer of 1999. The rule includes various interrelated topics all dealing with postlease operations.
- *Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans* (30 CFR Parts 250 and 204)—Final rule to be published by the end of 1999.
- *Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Bonus Payments with Bids* (30 CFR Part 256)—Final rule to be published by the fall of 1999. This rule allows MMS to require a specific payment method for 1/5 of the bonus payment due when we hold a sale to lease Federal offshore Outer Continental Shelf lands.
- *Producer-Operated Outer Continental Shelf Pipelines that Cross Directly into State Waters* (30 CFR 250)—Proposed rule to be published by summer of 1999. This rule proposes to implement a provision of the December 10, 1996, Memorandum of Understanding between the Departments of the Interior and Transportation regarding Outer Continental Shelf Pipelines.
- *Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf* (30 CFR Part 280)—Proposed rule to be published in the summer of 1999. This rule proposes to specify how to conduct Geological and Geophysical prospecting and research for minerals other than oil, gas, and sulphur in the Outer Continental Shelf under a permit.
- *End of Life Royalty Relief for Oil and Gas Leases on the Outer Continental Shelf* (30 CFR Part 203)—Proposed rule to be published by the end of 1999. This rule avoids continuance of royalty relief in the presence of noticeable improvement in lease economics and market conditions. The rule applies only to new applications and approvals, not to existing arrangements.
- *Exploration and Development and Production Plans* (30 CFR Part 250 Subpart B)—Proposed rule to be published by the end of 1999. The

rewrite for this proposed rule will include other plans such as Deep Water Operations Plan, Development Operations Coordination Document, and Conservation Information Documents.

• *Oil and Gas and Drilling Operations* (30 CFR Part 250 Subpart D)—Proposed rule to be published by the end of 1999. This rule proposes to restructure the requirements for oil and gas drilling operations on the Outer Continental Shelf, remove overly prescriptive requirements, and update requirements to reflect changes in drilling technology.

• *Abandonment of Wells* (30 CFR Part 250 Subpart G)—Proposed rule to be published by the end of 1999. This proposed rule on decommissioning platforms will consider the comments received on the proceedings from the International Workshop on Offshore Lease Abandonment and Platform disposal held in April 1996.

• *Oil and Gas Production Safety Systems* (30 CFR Part 250 Subpart H)—Proposed rule to be published by the spring of the year 2000. We will write this proposed rule in Plain English and update the requirements to reflect current practice in the offshore energy industry.

B. Royalty Management Program (RMP)

RMP is reviewing regulations in the following 14 subject areas:

1. Statute of Limitations and Record Retention

Comments Received—(a) ''Statute of limitations is unclear.'' (b) ''Establish a reciprocal 5-year statute of limitations from the date an obligation becomes due.'' (c) ''Absence of a record retention program creates some confusion. Regulations should require record retention to coincide with the 5-year statute of limitations.'' (d) ''the MMS is changing processes, developing implementation plans, and preparing regulatory changes,'' in doing so, the congressional intent of FOGRSFA should be followed to provide certainty and simplicity to lessees.

Action Taken or Planned—The Federal Oil and Gas Royalty Simplification and Fairness Act (FOGRSFA) was signed into law on August 13, 1996. FOGRSFA contains language to implement a 7-year statute of limitations for MMS processes. We are changing processes, developing implementation plans, and preparing regulatory changes to comply with the requirements of FOGRSFA.

Timetable—Ongoing.

2. Interest on Overpayments

Comment received—(a) ''Interest accrual should be equitable between the agency and industry.'' (b) ''the MMS should be mindful of the congressional intent of simplicity and certainty in promulgating any regulations to implement these provisions of FOGRSFA.''

Action Taken or Planned—FOGRSFA provides for the payment of interest on overpayments for oil and gas leases on Federal lands. On March 31, 1997, we issued a Dear Payor letter about FOGRSFA's provisions involving interest issues. We issued another Dear Payor letter on October 1, 1997, explaining interest calculations and interest reporting requirements. MMS is designing system changes to implement the requirements of FOGRSFA and preparing regulations to be published.

Timetable—We will publish for comment in late 1999, or early next year, a Notice of Proposed Rulemaking providing for interest on overpayments and underpayments.

3. Interest Assessments

Comments Received—(a) ''A de minimis provision should be established for the assessment of interest.'' (b) ''* * * MMS should enhance their existing interest assessment system to allow for the offsetting of prior period adjustments made on the MMS Form 2014 before calculating applicable interest.''

Action Taken or Planned—FOGRSFA not only provides for the payment of interest on overpayments for oil and gas leases on Federal lands, but allows industry to calculate the correct interest assessment. Also, FOGRSFA allows interest that has accrued on overpayments to be applied to reduce underpayments. We have included billing thresholds in our interest system to prevent bills for de minimis amounts. In May 1997, we started sending interest statements instead of interest bills, and the statements contain totals for interest that MMS owes and for interest owed to MMS. MMS is implementing system changes to conform with the requirements of FOGRSFA and preparing regulations.

Timetable—As noted under Item 2, Timetable, we plan to publish a Notice of Proposed Rulemaking for comment on payment of interest late in 1999 or early next year.

4. Gas Valuation

Comments received—(a) ''Define gross proceeds more equitably and clearly in this ever changing gas marketing environment.'' (b) ''It is important that the Federal Gas Valuation Rule final rule not discriminate against producers which are affiliated with marketing companies and are party to non-arms-length contracts.'' (c) ''* * * commends the MMS on their use of negotiated rulemaking process to address the valuation of gas. Rule should result in administrative cost savings for all parties.'' (d) ''If the Takes vs. Entitlements policy stays in effect, MMS should strictly enforce reporting on actual quantities taken for all industry participants.'' (e) ''Eliminate Transportation and Processing Allowance Forms for Indians.'' (f) ''MMS, States, and industry * * * devoted considerable time and expense during the REGNEG process and * * * is disappointed that the strong commitment of all the respective parties did not result in a valuation methodology that MMS can endorse.''

Action Taken or Planned—For (a) above, on December 16, 1997, MMS published a final rule clarifying what deductions may be taken from gross proceeds for the costs of transportation under Federal Energy Regulatory Commission (FERC) Order No. 636. The rule was effective February 1, 1998 (63 FR 65753). For (a), (b), (c) and (f) above, the Federal Gas Valuation proposed rule was published in the **Federal Register** on November 6, 1995 (60 FR 56007), and the comment period closed on February 5, 1996. In light of the comments received from 44 entities, on May 21, 1996, MMS reopened the public comment period and asked for public comment on five options for proceeding with further rulemaking (61 FR 25241). The reopened public comment period closed August 19, 1996. MMS reconvened the Federal Gas Valuation Negotiated Rulemaking Committee on June 12–14, 1996, and asked the Committee to provide input into the five options.

MMS performed a cost benefit analysis on three viable options for proceeding with gas valuation regulations. Given the results of the cost benefit analysis ($20 million annual loss in royalties) and changes occurring in the gas market, MMS withdrew the proposed rulemaking on April 22, 1997 (62 FR 19536).

For (d) above, FOGRSFA contains language requiring ''takes'' reporting for stand alone leases and agreements containing 100 percent Federal leases. FOGRSFA also requires ''entitlements'' reporting for so-called mixed agreements (agreements containing Federal, State, Indian, and/or fee leases) with an exception to use ''takes'' reporting for marginal properties. We are changing processes, developing implementation plans, and preparing regulatory changes to comply with the requirements of FOGRSFA.

For (e) above, a proposed rule developed by the Indian Gas Valuation Negotiated Rulemaking Committee was published on September 23, 1996 (61 FR 49894). The Indian Valuation Negotiated Rulemaking Committee was reconvened on March 26, 1997. This rule addressed the valuation for royalty purposes of natural gas produced from Indian leases. The rule proposes to reduce substantially the transportation and allowance reporting forms for gas from Indian leases. The proposed rule would add a methodology to calculate the major portion value and an alternative methodology for dual accounting as required by Indian lease terms. The proposed rulemaking would simplify and add certainty to the valuation of production from Indian leases.

Timetable—We plan to publish for comment a Notice of Proposed Rulemaking on takes vs. entitlements in 1999. Also in 1999, we plan to publish a final rule on Valuation of Gas From Indian Leases.

5. Reporting Procedures and Threshold

Comments Received—(a) ''Eliminate or streamline MMS Form 2014 reporting.''

(b) ''Report prior period adjustments on a ''net'' basis.''

(c) ''Change estimated payment from lease level to payor level.''

(d) ''Assess interest at the payor level—for the Indian leases on the basis of each Indian Tribe.''

(e) ''Eliminate Payor Information Form (PIF) Filings. This is an unnecessary and costly reporting requirement.''

(f) ''MMS should modify the regulations and system tolerances/thresholds so that only those exceptions that are cost beneficial for MMS to pursue are generated.''

(g) ''Set thresholds or tolerances for regulations to save costs to both MMS and industry. (Example: Invoices are sent for less than $1.00.)''

(h) ''MMS should not implement regulations until its systems are programmed to handle the new regulations.''

(i) ''* * * the prompt implementation of the recommendations of the Royalty Policy Committee Audit and Royalty Reporting and Production Accounting Subcommittees will achieve those simplification and streamlining goals * * *.''

(j) The RMP Reengineering Team has recommended 32 reporting changes to reduce and simplify reporting and reduce administrative costs for both MMS and lessees. MMS should proceed diligently to implement these changes.

(k) We recommend that MMS immediately implement at least a one dollar threshold or higher thresholds which would alleviate tremendous burden and cost to the government and lessees.

Action Taken or Planned—Building upon the Royalty Policy Committee's earlier study, the RMP Reengineering Team (Team) analyzed current information reporting requirements to determine the data necessary for future RMP processes. The Team identified opportunities for easing reporting burden, avoiding data duplication, decreasing error rates, and increasing processing efficiency. The Team developed 32 reporting changes that are in their report titled ''Preliminary Design Concepts of the RMP Reengineering Team.'' If these changes are implemented, they will significantly reduce the volume of lines reported and processed, minimize errors and related error correction workload, simplify reporting, and lower costs for both reporters and RMP. The Team's changes generally incorporate or exceed the Royalty Policy Committee's recommendations.

On February 23, 1999 (64 FR 8844), we published a notice of information collection solicitation and public meetings for changes to the royalty and production accounting reports. At the public meetings, which were held in March, we consulted with industry representatives on the proposed reporting changes.

In addition to our reengineering work, we continue to pursue shorter range reporting improvements not requiring significant system changes. For example, the Payor Information Form MMS–4025 is being streamlined to eliminate numerous data fields. Also, many production reporting changes are being implemented where redundant or unnecessary data collection is identified. We have revised our billing thresholds to $100 for bills due on Federal leases and $25 for bills due on Indian leases.

On April 14, 1998 (63 FR 17133), we published a proposed rule requesting that all reports be submitted electronically by December 31, 1998. Electronic submission significantly reduces the amount of time necessary for a company to complete the monthly reports and MMS processing time, since no manual entry is required.

Timetable—Ongoing.

6. Refunds Due to Industry Which Are Controlled by Section 10 of the Outer Continental Shelf Lands Act

Comments Received—(a) ''Section 10 refund requirements should be eliminated. The refund process used for onshore properties should be established for offshore properties.'' (b) * * * we would urge the MMS to facilitate elimination of the Section 10 recoupment procedures in its entirety. The current practice is administratively burdensome and not cost effective for the industry or MMS.'' (c) ''Eliminate documentation requirements for refund requests over $250M (million); and/or increase this threshold to $500M; raise the refund request limit to $5M. Exempt pure accounting adjustments for items such as production date adjustments and incorrect AID (Accounting Identification) numbers; exempt unit revisions because these revisions are often made more than 2 years after the date of production; establish a time limit on MMS for review of a refund request to expedite the process; and overpayments on OCS properties should be allowed to be offset against any OCS underpayment.''

Action Taken or Planned—FOGRSFA repeals the Section 10 refund procedures of the OCS Lands Act. On November 25, 1996, we mailed a Dear Payor letter with guidelines on refund procedures. We are presently developing a proposed rule implementing the new refund procedures.

Timetable—Ongoing.

7. Electronic Data Exchange

Comments Received—(a) ''* * * MMS (should) continue their ongoing effort to exchange data by electronic means rather than hard copy thereby enabling the industry to adjust the data elements to integrate with each company's systems.'' (b) ''* * * is looking forward to working with MMS to develop an electronic reporting and funds transfer system that is both cost effective and efficient for all parties.''

Action Taken or Planned—We continue to encourage the exchange of data electronically. Our Reporter and Payor Training sessions stress the benefits of electronic reporting and provide reporters and payors with options for reporting by electronic data interchange, diskette, or magnetic tape. On April 22, 1997 (62 FR 19497), we published a final rule specifying how payments are made for mineral royalties, rentals, and bonuses that requires all payments to be made electronically to the extent it is cost effective and practical. We also published on April 8, 1998 (63 FR 17133), a proposed rule to require reporters to submit royalty and production reports electronically. Another way we publicize electronic

reporting is on the MMS/Royalty Management Program Internet website.

Timetable—Reporter and Payor Training sessions are planned for the summer of 1999. We plan to publish a final rule on Electronic Reporting in 1999.

8. Parameters for Identifying Improper MMS Form 2014 Adjustments

Comments Received—''The MMS currently inquires as to any variances between any Form 2014 adjustments and its original Form 2014 entry that exceed $1.00, which is an insignificant amount. It is suggested that the MMS's review should be relevant to the amount of the adjustment such as a given percentage.''

Action Taken or Planned—At this time, MMS does not plan to make changes in this procedure. We need to ensure accuracy and integrity in the accounting systems, and retain precise records for the auditors. In our reengineering effort, we are looking at streamlined reporting for short- and long-term benefits for MMS and industry.

Timetable—Ongoing.

9. Publish Final Rules Expeditiously

Comments Received—''* * * primary recommendation is the expeditious completion and publication of pending final rules, for example, the proposed rules on administrative offset and limitations on credit adjustments, and the proposed rule on payor liability. * * * Certainly, publication of the final federal (and Indian) gas valuation rule should be facilitated to the maximum extent possible.''

Action Taken or Planned—We are in the process of finalizing the Indian gas valuation rule. As for the final Federal gas valuation rule, on April 22, 1997, we published a Notice in the **Federal Register** (62 FR 19536) that withdrew the proposed rule because of changes occurring in the gas market.

New language in FOGRSFA will cause a number of changes in the Payor Liability rule and the Administrative Offset and Limitations on Credit Adjustments rule. We are working to incorporate the effects of FOGRSFA in these rules.

Timetable—Ongoing.

10. The Appeals Process

Comments Received—''Current appeals process is too long.''

Action Taken or Planned—FOGRSFA imposed a 33-month time frame for the Department of the Interior to decide appeals involving royalties on Federal oil and gas leases. This deadline does not apply to appeals on royalties involving Indian leases and Federal leases for minerals other than oil and gas.

On October 28, 1996 (61 FR 55607), MMS published a proposed rule establishing a 16-month deadline for MMS to decide all appeals to the Director, including Indian leases and appeals for royalties on minerals other than oil and gas. After MMS' decision, the appellants can further appeal to the Interior Board of Land Appeals. The comment period for this proposed rule ended on March 27, 1997.

The Royalty Policy Committee, a Federal Advisory Committee reporting to the Secretary, established a subcommittee of State, Indian, and industry representatives to study the appeals process. The Royalty Policy Committee reported its recommendations to the Secretary in March 1997, and the Secretary accepted the recommendations, with minor changes, in September 1997. The Department published a proposed rule on January 12, 1999 (64 FR 1930), to implement these recommendations.

Timetable—We published a final rule on May 13, 1999 (64 FR 26240), to implement the provisions of FOGRSFA related to the 33-month time limit to decide oil and gas appeals on Federal leases. We are currently reviewing comments on other parts of the proposed rule.

11. Valuation of Coal From Federal Leases

Comments Received—(a) ''* * * amending this section to allow the use of the lessee's arm's length contracts to support the value for a nonarm's-length contract would make this section more effective and also eliminate the need to use third-party proprietary information in many instances.'' (b) ''* * * the use of the lessee's arm's-length contracts is the best evidence of the comparable value of any nonarm's-length sales by the lessee.''

Action Taken or Planned—The Royalty Policy Committee's Coal Subcommittee is reviewing issues related to coal valuation, and we will use the Royalty Policy Committee's recommendations to make improvements to the coal royalty valuation and reporting procedures and associated regulations.

Timetable—Ongoing.

12. Royalty-in-Kind Alternative

Comments Received—''urges the MMS to pursue implementation of a RIK program as a cost effective alternative.''

Action Taken or Planned—In 1997 MMS conducted a Feasibility Study which examined a series of Royalty-in-Kind (RIK) options, both offshore and onshore. Under RIK, the government accepts its royalty share in the form of production rather than in value (cash). Based on the Study's recommendations, we are presently conducting three pilot projects to study the concept.

Two of the pilot projects are underway. Pilot I is in the State of Wyoming where Federal and State crude oil is being taken in kind and sold on the open market. Pilot II uses Federal leases in the Gulf of Mexico, Texas 8(g) zone (Federal offshore leases adjacent to State waters), where natural gas is being taken in kind and part of it sold to the General Services Administration (GSA) under an interagency agreement for use by Federal agencies. The rest of the gas is being marketed in partnership with the Texas General Land office through a Cooperative Agreement with the State of Texas. Both these pilots will last a minimum of 2 years. Pilot III is scheduled to begin this fall and will take RIK gas from offshore Federal leases in the Gulf of Mexico. This Pilot will involve the largest volume of the three pilots. We expect to sell up to 800 million cubic feet of gas per day, or one third of the Federal royalty share of production in the Gulf. As in Pilot II, a portion of this gas will be transferred to GSA, and the rest sold competitively on the open market.

We will analyze the results of these three pilots to determine if, and under what circumstances, the RIK option can reduce administrative costs for government and industry while producing at least as much revenue as our current method of collecting royalties in value.

Timetable—Ongoing.

13. Lessee/Designee

Comments Received—MMS published an interim final rule on August 5, 1997 (62 FR 42062), to implement the designation of royalty payment responsibility provision of FOGRSFA. Generally, we support the need for lessees to submit designations pursuant to FOGRSFA, however they take issue with MMS's overall approach to implementing these very important provisions of FOGRSFA. Specifically, they object to the need for MMS to collect some of the information sought, the level of detailed information required by this rule, the burdensomeness of information required, and the ability of MMS and the Bureau of Land Management (BLM) to utilize information that these bureaus already have and maintain. Also, they take issue with MMS's authority to collect the information required under the rule from designees (payors).

Action Taken or Planned—When the payor remits royalties on behalf of the lessee, FOGRSFA requires that the lessee designate the paying party as their designee for each lease. The interim final rule published on August 5, 1997, implements the requirements of FOGRSFA. We have worked with BLM to set up a process to identify operating rights owners and changes to operating rights ownership.

Timetable—Ongoing.

14. Other MMS/Royalty Management Program Regulatory Actions

Comments Received—(a) ''In order to craft a reasonable, fair, and proper (oil valuation) rule, it is imperative that MMS publicly address all critical issues prior to the issuance of any final rule so that affected persons can participate meaningfully in the rulemaking process.''

(b) ''Congress pushed for delegation of royalty management functions to states as a means of streamlining and simplifying the process of collection and payment of federal royalties. Despite Congress' clear intent however, the final regulations published on August 12, 1997 and the standards for delegation published on September 8, 1997 in no way attempt to achieve that purpose.''

Action Taken or Planned—The regulations for the Delegation of Royalty Management Functions to States were developed in consultation with State government representatives and industry. The final rule was published on August 12, 1997 (62 FR 43076), and included responses to comments we received on the proposed rule. On February 10, 1999 (64 FR 6586), we published a proposed rule that would allow States which choose to assume duties to do so for less than all of the Federal mineral leases within the State or leases offshore of the State, subject to section 8(g), of the Outer Continental Shelf Lands Act. We plan to issue a final rule in 1999.

On January 24, 1997, we published a proposed rule on Valuation of Oil From Federal Leases (62 FR 3742), and on February 12, 1998, we published a proposed rule on Valuation of Oil From Indian Leases (63 FR 7089). We've held numerous public meetings regarding the proposed oil valuation rules, and in response to the many comments received in the meetings and through the mail, we published the following in the **Federal Register** on the proposed rule, Valuation of Oil on Federal Leases:

- Supplementary Proposed Rule (July 3, 1997–62 FR 36030);
- Reopened Public Comment Period and Offered Alternatives (September 22, 1997–62 FR 49460);
- Supplementary Proposed Rule (February 6, 1998–63 FR 6113);
- Supplementary Proposed Rule (July 16, 1998–63 FR 38355); and
- Reopened Comment Period and Offered Three Workshops in Houston, TX; Albuquerque, NM; and Washington, DC (March 12, 1999–64 FR 12267).

We are also preparing a Supplementary Proposed Rule for the Valuation of Oil From Indian Leases, and plan to publish it in 1999.

Conclusion

We invite you to comment on our existing regulations and also the actions we have taken in response to comments and enacted legislation. And, we invite you to stay further informed on many of the topics discussed in this status report by visiting the MMS Internet Website at www.mms.gov.

Dated: May 28, 1999.

Lucy Querques Denett,

Director, Minerals Management Service.

[FR Doc. 99–14346 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–99–019]

RIN 2115–AE46

Special Local Regulations; Charleston Harbor Grand Prix, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard amends its earlier notice that proposed to establish temporary special local regulations in the coastal waters off Isle of Palms, SC, for the Charleston Harbor Grand Prix. The Coast Guard recently received an amended permit application that moves the regulated area an additional mile offshore. The two day race will occur on August 14 and 15, 1999, between the hours of 12 p.m. and 3 p.m. each day, Eastern Daylight Time (EDT), in an offshore area northeast of Breach Inlet. The regulations are necessary to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before July 9, 1999.

ADDRESSES: Comments may be mailed to Commander, U.S. Coast Guard Group Charleston, 196 Tradd Street, Charleston, SC 29401, or may be delivered to the Operations Office at the same address between 7:30 a.m. and 3:30 p.m. Monday through Friday, except federal holidays. The telephone number is (843) 724–7628.

FOR FURTHER INFORMATION CONTACT: LTJG S. S. Brisco, (843) 734–7628, Project Manager, Coast Guard Group Charleston, SC.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 10, 1999, the Coast Guard published a Notice of Proposed Rulemaking (64 FR 24980) to establish temporary special local regulations for the Charleston Harbor Grand Prix to be held on August 14 and 15, 1999. This NPRM had a 60-day comment period. As of May 26, 1999, the Coast Guard received eight (08) comments on the NPRM. The Coast Guard also forwarded several letters it received from the public about the notice of proposed rulemaking to the sponsor. In response to these letters and comments, the event sponsor amended the marine permit application to move the event further offshore.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD07–99–019) and the specific section of this proposal to which each comment applies, and give a reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in the view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at the time and place announced by a notice in the **Federal Register**.

Background and Purpose

As a result of comments received on the initial NPRM, the sponsor of the race amended the marine event permit application to move the race course, and therefore this regulated area, one mile further offshore. The proposed amended regulations are needed to provide for the safety of life during the Charleston Harbor Grand Prix by promoting safe

navigation in the offshore area northeast of Breach Inlet immediately before, during, and after the races by controlling the traffic entering, exiting, and transiting within the regulated area. The anticipated concentration of spectator vessels and participating vessels associated with the race poses a safety concern, which is addressed in these proposed special local regulations.

The amended regulations will encompass an area to the northeast of Breach Inlet with four (4) conspicuous markers indicating the corners of the regulated area. These proposed regulations would prohibit the entry or movement of spectator vessels and other non-participating vessel traffic within the regulated area on August 14 and 15, 1999, between 11 a.m. and 4 p.m. each day or at the discretion of the Coast Guard Patrol Commander.

Discussion of Comments and Changes

The Coast Guard received eight comments in response to the initial NPRM. Four comments objected to the temporary regulations because of the potential traffic congestion, noise pollution, possible disturbance of habitat nestings and the endangerment of marine life in the area. Three comments identified potential environmental concerns in the initial race area. One comment supported the race. In response to these comments, the sponsor moved the race area an additional mile offshore to alleviate any negative impacts.

Regulatory Evaluation

This proposal 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 the 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed regulation will only be in effect for four hours each day in a limited area off Charleston Harbor.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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 field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant effect upon a substantial number of small entities because this regulation will only be in effect in a limited area off Charleston Harbor for five (5) hours on two separate days.

If, however, you think that your business or organization qualifies as a small entity and that this proposed 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 proposed rule will economically affect it.

Collection of Information

This proposal 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 the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard is considering the environmental impact of this proposed rule and has determined that these regulations may be exempted from further environmental documentation under Figure 2–1, paragraph 34(h) of COMDTINST M16475.1C. An Environmental Analysis Checklist and Categorical Exclusion Determination will be completed during the comment period.

List of Subjects in 33 CFR Part 100

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

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend 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. A new section 100.35T–07–019 is added to read as follows:

§ 100.35T–07–019 Charleston Harbor Grand Prix; Charleston, SC.

(a) *Regulated area.* The regulated area includes all waters in the Atlantic Ocean north of Charleston Harbor entrance lighted buoy 7 (LLNR 2405) bounded by the following 4 points:

(1) 32–46.129N, 079–48.282W;
(2) 32–44.972N, 079–47.335W;
(3) 32–46.886N, 079–41.991W;
(4) 32–48.003N, 079–42.994W;

All coordinates reference Datum NAD: 83. Four (4) conspicuous markers will indicate the corners of the regulated area.

(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 Commander, Coast Guard Group Charleston, South Carolina.

(c) *Special local regulations:* (1) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or cancel the race as conditions or circumstances require.

(3) Spectator and other non-participating vessels may watch the participants on the seaward side of the racecourse maintaining a minimum distance of 500 yards behind the markers. Upon the completion of the last race all vessels may resume normal operations.

(d) *Dates.* These regulations become effective at 11 a.m. and terminate at 3 p.m. EDT each day on August 14 and 15, 1999.

Dated: May 28, 1999.

Norman T. Saunders,

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

[FR Doc. 99–14288 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–060]

RIN 2115–AA97

Safety Zone: Perth Amboy Fireworks, Raritan River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the

Raritan River for the Perth Amboy, NJ fireworks display. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Raritan River.

DATES: Comments must be received on or before July 7, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01–99–060), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–99–060) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Bay Fireworks has submitted an Application for Approval of a Marine Event for a fireworks display in the Raritan River. This proposed regulation establishes a temporary safety zone in all waters of the Raritan River within a 360-yard radius of the fireworks barge in approximate position 40°29′49″N 074°16′25″W (NAD 1983), approximately 575 yards northwest of Raritan River Cutoff Channel Buoy 6 (LLNR 36605). The proposed safety zone is effective from 8:50 p.m. until 10:20 p.m. on July 10, 1999. If the event is cancelled due to inclement weather, then this event will be held from 8:50 p.m. until 10:20 p.m. on July 11, 1999. The proposed safety zone prevents vessels from transiting a portion of Federal Anchorage 45–A and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will be able to anchor in the unaffected portions of Federal Anchorage 45–A surrounding the barge site. Federal Anchorages 44 and 45, to the east, and Federal Anchorage 47, to the south, are also available for vessel use. Marine traffic will still be able to transit through South Amboy Reach and Raritan River Cutoff during the event as the safety zone does not extend into these navigable waters. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made prior to the event via local notice to mariners, and marine information broadcasts. The Coast Guard is limiting the comment period for this NPRM to 30 days because the proposed safety zone is only for a one and a half hour long local event and it should have negligible impact on vessel transits. The Coast Guard expects to receive no comments on this NPRM due to the limited duration of the event and the fact that it should not interfere with vessel transits.

Discussion of Proposed Rule

The proposed safety zone is for the Perth Amboy, NJ fireworks display held in the Raritan River. This event will be held on July 10, 1999. If the event is cancelled due to inclement weather, then the event will be held on July 11, 1999. This rule is being proposed to provide for the safety of life on navigable waters during the event and to give the marine community the opportunity to comment on this event.

Regulatory Evaluation

This proposed 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 not been reviewed 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the east, south, and west of the zone, that vessels may still transit through South Amboy Reach and the Raritan River Cutoff during the event, and advance notifications which will be made to the local maritime community by the Local Notice to Mariners and marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, 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 reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, 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 proposed rule bill 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 proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient

implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any state, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This proposed rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposal 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 proposed rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This proposed 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 proposed 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 proposed 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 proposed 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.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 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), 6.04–6, 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.T01–060 to read as follows:

§ 165.T01–060 Safety Zone: Perth Amboy Fireworks, Raritan River, New Jersey.

(a) *Location*. The following area is a safety zone: All waters of the Raritan River within a 360-yard radius of the fireworks barge in approximate position 40°29′49″N 074°16′25″W (NAD 1983), approximately 575 yards northwest of Raritan River Cutoff Channel Buoy 6 (LLNR) 36605).

(b) *Effective period*. This section is effective from 8:50 p.m. until 10:20 p.m. on July 10, 1999. If the event is cancelled due to inclement weather, then this section is effective from 8:50 p.m. until 10:20 p.m. on July 11, 1999.

(c) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 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. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: May 21, 1999.

R. E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–14286 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–15–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095–AA81

Agency Records Centers; public meeting and extension of comment period.

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule; notice of public meeting; extension of comment period.

SUMMARY: NARA published a notice of proposed rulemaking to update the standards that records center storage facilities must meet to store Federal records in the April 30, 1999, **Federal Register** beginning at page 23504. We will hold a public meeting for all interested parties on June 18, 1999, to answer questions about the proposed rule. We will take notes of the discussion, and place the notes in the record for this rule making.

We are also extending the comment period by one week to ensure that parties attending the meeting have sufficient time after the meeting to submit their comments.

DATES: The public meeting will be held on June 18, 1999, from 10 a.m. to noon.

Comments must be received by July 7, 1999.

ADDRESSES: The public meeting will be held in the Auditorium of the National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740–6001.

Comments must be sent to Regulation Comment Desk (NPOL), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Comments may be faxed to 301–713–7270.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at (301) 713–7360, ext. 226.

Dated: June 2, 1999.

John W. Carlin,

Archivist of the United States.

[FR Doc. 99–14381 Filed 6–4–99; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–227–151; FRL–6355–9]

Approval and Promulgation of State Implementation Plans; California—South Coast

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is concluding the Public Consultative Process (PCP) on mobile source emission reductions needed for attainment of the 1-hour ozone national ambient air quality standard (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is proposing to approve the State's update to the state implementation plan (SIP) for ozone in the South Coast to reflect the outcome of this process and the implementation status of some of the control measures. EPA is also proposing to approve the State's joint commitment with EPA to issue regulations to eliminate the remaining SIP shortfall as determined appropriate for each agency. EPA is proposing these actions under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for NAAQS, and plan requirements for nonattainment areas.

DATES: Written comments must be received by June 21, 1999. On June 9, 1999, from 1 pm to 4 pm, EPA will hold a public meeting in Los Angeles to discuss the Public Consultative Process, continuing Federal and State mobile source responsibilities and commitments, and future revisions to the ozone SIP.

ADDRESSES: Comments should be sent to Dave Jesson, Air Planning Office (AIR–2), Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or jesson.david@epa.gov.

The public meeting to discuss this proposed action will be held in the Roybal Conference Room (Room 286) of the Roybal Federal Building, 255 East Temple Street, Los Angeles, CA.

The rulemaking docket for this notice is available for public inspection at EPA's Region IX office during normal business hours. A reasonable fee may be charged for copying parts of the docket.

Electronic availability: This document is also available as an electronic file on EPA's Region 9 Web Page at http://www.epa.gov/region09.

Copies of related materials are also available for inspection at the following location: California Air Resources Board, 2020 L Street, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Dave Jesson (415) 744–1288 or jesson.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. 1994 Ozone SIP

This proposed action relates to the 1994 ozone SIP for the South Coast Air Basin (''South Coast'') in California.[1] In 1998, the South Coast recorded 1-hour levels at or above the NAAQS for ozone on 62 days, with a peak concentration of 0.244 parts per million (ppm), twice the NAAQS.[2] The area continues to have by far the worst smog problem in the country.[3]

EPA approved the 1994 ozone SIP for the South Coast on January 8, 1997 (62 FR 1150–1187).[4] In addition to aggressive State and local control measures, the State's plan included seven ''Federal measures,'' which the State believed EPA should adopt to control national mobile sources. The State attributed to these measures the following emission reductions in the South Coast in the year 2010: 109 tons per day (tpd) of NO_X and 47 tpd of VOC.[5] CARB calculated very much smaller emission reductions from the ''Federal measures'' in other ozone nonattainment areas of the State (Ventura, Sacramento, Southeast Desert, San Joaquin, and San Diego).

EPA did not agree that states have the authority to make these SIP assignments, but the Agency agreed that the Federal government should voluntarily help achieve emission reductions from sources beyond the regulatory authority of the State, in view of the unique reduction needs of the South Coast, the only ozone nonattainment area classified as ''extreme'' under the 1990 CAA Amendments. With the assistance of the State, EPA established a Public Consultative Process (PCP) to identify future mobile source strategies to provide the remaining reductions needed for attainment.

Both EPA and the California Air Resources Board (CARB) made enforceable commitments to adopt additional controls to achieve emission reductions determined to be appropriate at the end of the PCP. 40 CFR 52.238 and 40 CFR 52.220(c)(235)(I)(A)(*I*). EPA's final approval of the 1994 ozone SIP for the South Coast included a projected schedule for the PCP, with an initial meeting in July 1996 and a final meeting in June 1997 (62 FR 1186).

B. Accomplishments in Reducing Emissions From Mobile Sources

1. Benefits of More Stringent Mobile Source Controls

After California adopted and submitted the South Coast 1994 ozone SIP, CARB and EPA have undertaken stringent new controls for most mobile source categories. It is important to note that these new mobile source measures will bring multiple benefits not only to the South Coast, but also to other areas of California and the nation.

First, the controls contribute emission reductions needed for attainment of the Federal health-based NAAQS for ozone. Despite significant progress over the past four decades, the South Coast continues to have by far the worst ozone problem in the country. South Coast's challenge in attaining the ozone NAAQS derives from the area's meteorology and topography, on the one hand, and the area's large population and industrial/commercial activity, on the other. As a result, attainment of the ozone NAAQS in the South Coast requires stringent

[1] For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305. The nonattainment area includes all of Orange County and the more populated portions of Los Angeles, San Bernardino, and Riverside Counties.

[2] The 1-hour NAAQS for ozone is 0.12 ppm. Ground-level ozone is formed when nitrogen oxides (NO_X), volatile organic compounds (VOCs), and oxygen react in the presence of sunlight, generally at elevated temperatures. Strategies for reducing smog typically require reductions in both VOC and NO_X emissions.

Ozone causes serious health problems by damaging lung tissue and sensitizing the lungs to other irritants. When inhaled, even at very low levels, ozone can cause acute respiratory problems; aggravate asthma; cause temporary decreases in lung capacity of 15 to 20 percent in healthy adults, cause inflammation of lung tissue; lead to hospital admissions and emergency room visits; and impair the body's immune system defenses, making people more susceptible to respiratory illnesses, including bronchitis and pneumonia. Children are most at risk from exposure to ozone because they breathe more air per pound of body weight than adults; their respiratory systems are still developing and thus more susceptible to environmental threats; and children exercise outdoors more than adults in the high-ozone months of summer.

Direct exposure to NO_X and VOCs also has adverse public health consequences. Exposure to elevated NO_X concentrations can reduce breathing efficiency, increase lung and airway irritation, and exacerbate symptoms of respiratory illness, lung congestion, wheeze, and increased bronchitis in children. VOCs include many toxic compounds (such as ()benzene), which can cause respiratory, immunological, neurological, reproductive, developmental, and mutagenic problems. Some VOCs have been identified as probable or known human carcinogens.

[3] According to preliminary information from EPA's AIRS database, the areas with the highest peak 1-hour ozone concentration for 1998 are: South Coast .244 ppm, Houston .230 ppm, Southeast Desert (the area immediately to the east of the South Coast) .202 ppm, Ventura County .174 ppm, San Joaquin Valley .169 ppm, San Diego County .164 ppm.

[4] The 1994 ozone SIP for the South Coast consists of two plans: *California's 1994 State Implementation Plan for Ozone,* which deals with the State's control measures, and the South Coast Air Quality Management District's *1994 Air Quality Management Plan,* which includes all of the local control measures and other plan elements. The State's plan is available electronically at the California Air Resources Board's web site at *www.arb.ca.gov/sip/sip.htm.*

[5] The South Coast plan sometimes substitutes the term Reactive Organic Gases (ROG) for VOC. These terms are essentially synonymous and are used interchangeably throughout this document.

emissions reductions from every pollution source.

Second, the new mobile source standards also contribute reductions of particulate matter (PM, or soot), both by reducing (in many cases) emissions of primary particulate and by reducing gaseous PM precursors. In the South Coast, NO_X is one of the largest sources of PM, and emissions of VOC and sulfur oxides also contribute to formation of PM. The South Coast has one of the worst PM problems of urban areas in the country.

Third, mobile sources are a contributor to urban air toxics levels. For example, a number of adverse health effects have been associated with exposure to diesel exhaust levels found in the ambient air.

Fourth, the new mobile source controls discussed below help achieve parity of control, since many of the mobile source categories were previously uncontrolled or undercontrolled compared to requirements imposed on stationary industrial and commercial sources of pollution.

2. Overview of Federal Measures

The discussion below gives a brief overview of the State's ''assignments'' to EPA, followed by a description of promulgated or pending Federal controls.[6] Additional information on EPA's national controls may be found at EPA's mobile source homepage (www.epa.gov/omswww). More details on California's own mobile source programs may be found in section I.E.1, and at CARB's homepage (www.arb.ca.gov/msprog).

a. Heavy-Duty Onroad Vehicles. Measure M6 of California's 1994 ozone SIP calls for adoption by EPA of a national standard for heavy-duty diesel vehicles. CARB assumed that the NO_X standard would be 2.0 grams per brake horsepower-hour (g/bhp-hr) and would be implemented starting in 2004.

Both EPA and CARB have issued a 2.4 g/bhp–hr combined emission standard for NO_X and nonmethane hydrocarbons (NMHC) for model year 2004 and later heavy-duty diesel engines used in trucks and buses.[7] The new standards represent a 50 percent reduction in NO_X from the 1998 and later model year NO_X standard. EPA and CARB settlement agreements with manufacturers of heavy-duty vehicles and engines require early introduction of the 2004 engines beginning in October 2002. This settlement is discussed in section I.B.2.h, below. Finally, for the remaining heavy-duty on-road categories (i.e., the otto-cycle engines), EPA currently intends to propose within the next 60 days a stringent NO_X plus NMHC emission standard effective in the 2004 model year. EPA expects to take final action on this proposal by the end of 1999.

b. Diesel Nonroad Engines. California's Measure M10 calls for adoption by EPA of a national standard for off-road diesel equipment. CARB proposed that the NO_X emission standard would be 2.5 g/bhp-hr and would be implemented starting in 2005.

From 1994 through 1998, EPA has issued standards for most categories of nonroad diesel engines, covering diverse equipment applications including farm tractors, bulldozers, road graders, excavators, forklifts, logging equipment, and portable generators. The standards are progressively phased in over the period 1996 through 2008, depending on engine type and size and the stringency of the standard. The new controls will reduce emissions by as much as two-thirds.

c. Industrial Equipment. Measure M12 provides for adoption by EPA of a national standard for off-road equipment rated between 25 and 175 horsepower (hp), and fueled with gasoline or liquid petroleum gas (LPG). CARB proposed that the standard would reduce NO_X emissions by at least 50 percent and hydrocarbon (HC) emissions by 75 percent.

In October 1998, CARB adopted new emission standards for spark-ignition engines above 25 hp. These engines are used in forklifts, airport ground service equipment, sweepers, generators, compressors, and other industrial applications, as well as recreational equipment, such as go-carts, all-terrain vehicles, and snowmobiles. The CARB controls will reduce NO_X and HC emissions by over 65 percent from all spark-ignition engines in 2010.

On February 8, 1999, EPA issued a proposed finding under CAA section 213(a) that large spark-ignition engines cause or contribute to air pollution. If EPA finalizes this determination, EPA must propose regulations for such engines by September 28, 2000, and EPA must issue final regulations by September 28, 2001, in order to comply with a consent decree.[8] While it is not possible to estimate with precision the emission reduction benefits from this rulemaking, the standards might be comparable to CARB's, although the compliance schedules may be different.

d. Marine Vessels. Measure M13 assumes adoption of national and international standards that will reduce NO_X emissions from new ocean-going marine engines by 30 percent. CARB assumed some ambient air quality contributions from movement of the shipping channel further from shore. Finally, M13 also assigns to EPA responsibility for issuing standards for new marine diesel engines used in vessels operating primarily in domestic waters, to reduce NO_X emissions by at least 65 percent.

On October 23, 1998, EPA issued final regulations for marine diesel engines rated less than 37 kilowatts (50 hp). EPA issued proposed regulations for new compression ignition (CI) marine engines rated at or above 37 kilowatts on December 11, 1998. Under the terms of a consent decree, EPA must issue the final regulations by November 23, 1999.[9] These regulations will apply to new engines used for propulsion and auxiliary power on commercial vessels in a variety of marine applications, including fishing boats, tug and towboats, dredgers, coastal cargo vessels, and ocean-going vessels. The proposed regulations, if finalized, would apply NO_X limits that will reduce emissions nationally by approximately one-third.[10]

In addition, the International Maritime Organization (IMO) has adopted emission limits for all marine diesel engines rated above 130 kilowatts (kw) ocean-going vessels. These limits are contained in Regulation 13 of Annex VI of the International Convention on the Prevention of Pollution from Ships (MARPOL), which was adopted at Diplomatic Conference on September 26, 1997. The Annex will enter into

[6] Although EPA determined that the Federal assignments were not an approvable portion of the 1994 ozone SIP, EPA has nevertheless taken action to regulate most of these sources under the authority provided in the CAA.

[7] The standard also allows manufacturers the option of certifying to a 2.5 g/bhp-hr NO_X plus NMHC standard, with a limit of 0.5 g/bhp-hr on NMHC.

[8] Under a June 9, 1998 modification to the September 23, 1993 Partial Consent Decree in *Sierra Club* v. *Browner* (D.D.C., No. 93-0124 (NHJ)), EPA has until September 29, 2000 to make a final determination that large gasoline engines do cause or contribute to air pollution within the meaning of CAA section 213(a)(3).

[9] Under an October 6, 1997 modification to the September 23, 1993 Partial Consent Decree in *Sierra Club* v. *Browner* (D.D.C., No. 93–0124 (NHJ)), EPA has until November 23, 1999, to take final action on the EPA's marine vessel regulations, proposed in August 29, 1997 and supplemented with a December 11, 1998 proposal. Under a November 30, 1998 modification to the same consent decree, EPA has until November 23, 1999 to issue a supplemental proposal for recreational diesel-fueled marine engines and until October 31, 2000 to take final action on this supplemental proposal.

[10] The long life span of these engines delays the full benefits of the regulations. EPA's estimate of national emission inventory impacts is a 10 percent decrease in 2010, 28 percent in 2020, and 34 percent in 2030.

force, and the NO_X limits will be enforceable, twelve months after fifteen countries, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have ratified it. Because this may take several years, Regulation 13 was designed to ensure that benefits associated with the NO_X limits begin to accrue as early as possible. Specifically, the Annex VI NO_X limits will apply to any new marine diesel engines installed on a ship constructed on or after January 1, 2000, and to any marine diesel engine that undergoes a major conversion [11] on or after January 1, 2000. By ensuring that the NO_X limits will be enforceable back to these engines and vessels once the Annex goes into force, ship owners and engine manufacturers are expected to comply with the requirements beginning January 1, 2000. Nevertheless, due to the very long lives of these engines, the full benefits of the MARPOL standards may not be realized until 2030. For this reason, and because many vessels serving the Ports of Long Beach and Los Angeles already meet the Annex VI standards, EPA and CARB expect that the MARPOL Annex VI NO_X limits will only contribute minimal SIP reductions in the South Coast by 2010. More meaningful reductions would be achieved by a further strengthening of the MARPOL NO_X limits, and the 1997 Conference adopted a resolution that would permit review of those limits at five year intervals after the entry into force of the Annex. This may not happen for several years, however, and it may be necessary to find a way to encourage the IMO to review these important emission limits before that time.

Under the PCP, EPA has held a series of stakeholder meetings to discuss strategies to reduce pollution associated with the marine vessel sector. Three workgroups were formed to focus on deep sea vessels, harborcraft, and port infrastructure.

Because of questions regarding the costs and the benefits of moving the shipping channel, members of the deep sea vessel workgroup signed an MOA to fund a $400,000 tracer study in 1997 to compare onshore emissions under the current and proposed alternative shipping channel. Participants include EPA, CARB, SCAQMD, Navy, the shipping industry, and the ports. This complex study has not yet been finalized. The working group is also reviewing draft results from a study contracted by EPA to assess the benefits of future emission standards and alternative strategies, including strategies to reduce ship speed and, as a consequence, NO_X emissions from the vessels. Finally, CARB is leading a technical workgroup tasked with evaluating technical issues associated with two alternative operational strategies for ocean-going vessels, and issuing a report by the end of 1999.

The harborcraft workgroup has explored the possibility of an MOU, under which the major tug operators might agree to a voluntary 20 percent reduction in NO_X emissions. In 1997 EPA provided $350,000 to the SCAQMD to help fund a tug retrofit demonstration project. The project demonstrated the feasibility of a low-NO_X diesel engine capable of emitting at or below 5.5 g/bhp-hr. Retrofits such as this may be subsidized under the Carl Moyer Memorial Air Quality Standards Attainment Program, a $25 million clean air measure enacted by the State of California in 1998. The State also will receive $20 million in fines as a result of the settlement with heavy-duty engine manufacturers for excess (off-cycle) emissions; some of these funds may also be directed toward subsidies for cleaner engines.

The Ports of Los Angeles and Long Beach have recently completed a draft MOU on emission reductions from transportation infrastructure improvements at the ports. These improvements have been accomplished in recent years or will be completed over the next several years, and they were generally not assumed in the 1994 ozone SIP. The port modernizations will typically reduce truck emissions following extension of the rail lines to the docks. Other infrastructure improvements include road/rail grade separation projects, improved navigational channels, and the Alameda Transportation Corridor Project.

e. Locomotives. Measure M14 assumes a two-thirds reduction in locomotive NO_X emissions by 2010 from the combination of national locomotive standards and a clean locomotive fleet program in the South Coast.

On April 16, 1998, EPA issued regulations for new and remanufactured locomotives originally manufactured after 1972. The regulations take effect in 2000 and will be fully phased in by 2005. When full benefits from the standards are realized, the new standards are expected to reduce NO_X emissions by two-thirds and HC and PM emissions by 50 percent. In order to accelerate benefits and thereby achieve the SIP's 2010 emission reduction targets, California and Class I freight railroads operating in the South Coast (i.e., Union Pacific and Burlington Northern/Santa Fe) entered into an agreement for a railroad fleet average emissions program (Memorandum of Mutual Understandings and Agreements, South Coast Locomotive Fleet Average Emissions Program, July 1998). In a Statement of Principles jointly signed with CARB and the Class I railroads on May 14, 1997, EPA has reserved its authority, in the event that the agreement fails to attain its identified emission reductions, to assure that the reductions called for in the agreement are achieved from the railroad sector and/or, if necessary, from other national transportation sources.

f. Aircraft. Measure M15 calls for EPA to adopt commercial aircraft engine standards that are 30 percent more stringent than existing standards for VOC and NO_X emissions.

(1) Emission Standards

Due to the international nature of the aviation industry, the International Civil Aviation Organization (ICAO) has been the forum for establishing international commercial aircraft engine standards. On May 8, 1997, EPA issued regulations reflecting the most recent standards adopted by the ICAO's Committee on Aviation Environmental Protection (CAEP). While these standards represent a 20 percent reduction from the previous ICAO limits for NO_X issued in 1981, no additional emission reductions are anticipated, since virtually all new commercial aircraft already are equipped with engines meeting the ICAO standards. ICAO is not expected to issue new standards until early 2001.

(2) Voluntary Agreement To Reduce Emissions From Ground Service Equipment (GSE)

EPA, CARB, SCAQMD, the Air Transport Association (ATA) and its member airlines, the Federal Aviation Administration (FAA), local commercial airports, environmental groups, and other stakeholders have met during the Public Consultative Process to identify ways to achieve additional reductions from the commercial aviation community. ATA is drafting an MOU to achieve these reductions at the five major commercial airports in the South Coast through use of cleaner GSE than otherwise required by applicable emission standards. When implemented, the MOU would yield small but important emission reductions through options including increased fleet turnover, greater use of engines employing alternative fuels, and electrification.

[11] ''Major conversion'' is defined in Regulation 13 of Annex VI as meaning an engine that is replaced by a new engine built on or after January 1, 2000; is substantially modified; or whose maximum continuous rating is increased by more than 10%.

(3) Other Voluntary Initiatives

On March 24, 1998, EPA and FAA signed an agreement to coordinate environmental matters regarding aviation. Among other measures, EPA and FAA agreed to develop a voluntary engine emission kit retrofit program and encourage the adoption of the voluntary program by the aviation community. Since the execution of the agreement, the focus of the voluntary process has broadened to consider a wider range of possible options for emission reductions from aircraft and at airports. The EPA-FAA agreement includes the following provision: ''If the voluntary program is not successful, the parties agree to consider other mechanisms within the authorities of the respective agencies to achieve implementation of retrofit technologies in its fleet.''

ICAO's CAEP has also established an Emissions Technical Issues Working Group with subgroups to develop: (1) best operating practices to reduce emissions from aircraft, GSE, and auxiliary power units (APUs); (2) market-based options (caps, charges, etc.) to provide incentives for further reductions; and (3) approaches to secure air quality benefits from improved air traffic management and airport planning.

Beginning in 1998, EPA, FAA, and Department of Defense have been working with industry and environmental groups in this country to reduce pollution levels by means of advanced air traffic management systems and related technologies.

EPA, SCAQMD, and the City of Los Angeles have worked with the Budget rental car agency to establish at LAX in December 1998 the first electric vehicle rental options in the country. Through cooperative efforts with the SCAQMD and clean-fuel stakeholders, LAX and other airports in the area have established other important programs for use of clean alternative fuels in shuttles and delivery vehicles.

EPA has provided grants to support the Clean Airport Partnership. Among other activities, the partnership holds national airport summit meetings to find ways to reconcile airport growth and environmental progress.

(4) Research to Develop Cleaner Aircraft Engines

In the fall of 1998, EPA and the National Aeronautics and Space Administration (NASA) signed an MOA to formalize working agreements on aeronautical research and technology. NASA is continuing to explore the potential for additional emission reductions that could be achieved from technological improvements in the design of new and rebuilt commercial aircraft engines.

g. Marine Pleasurecraft. Measure M16 assumes that EPA will issue national standards to reduce HC emissions from marine pleasurecraft by 75 percent.

EPA has issued standards for recreational marine 2-stroke outboard engines and personal watercraft (such as jet skis), effective July 1996. The standards are phased in over a 9-year period to achieve a 75 percent reduction in HC. EPA has begun rulemaking to set emission limits for recreational 4-stroke sterndrive and inboard engines. These rules, if finalized, would establish standards for both gasoline and diesel recreational marine engines. However, the final implementation schedule for any such standards may not allow for rapid enough fleet turnover to accomplish all of the remaining 2 tpd of ROG emission reductions targeted by M16.

h. Additional Reductions beyond the Federal Assignments.

(1) Heavy-Duty Diesel Off-Cycle Settlement

In late 1998, EPA and CARB announced settlements of enforcement cases against manufacturers of heavy-duty diesel engines.[12] Among the settlement provisions were agreements by the manufacturers to introduce nationwide in October 2002, rather than 2004, engines meeting the 2.4 g/bhp-hr combined NO_X and NMHC standard, discussed in section I.B.2.a., above. CARB assumes that 25 percent of vehicle miles traveled (VMT) by heavy-duty diesel vehicles in the South Coast in 2010 will be from out-of-state vehicles. As a result, the early introduction of trucks meeting the new national standard will contribute emission reductions toward attainment of the ozone standard.

(2) National Tier 2 Motor Vehicle Standards

In November 1998, CARB adopted more stringent standards for light-duty cars and trucks and medium-duty vehicles up to 14,000 lbs. gross vehicle weight, as part of California's Low-Emission Vehicle (LEV) regulations. These standards, known as LEV II, were primarily intended to reduce NO_X emissions, especially from sport utility vehicles and light trucks. EPA is initiating rulemaking to promulgate new ''Tier 2'' national vehicle standards that are comparable to California's LEV II program. If finalized, EPA's standards would provide benefits in the South Coast not anticipated in the 1994 ozone SIP, by reducing the emissions of vehicles that have migrated into the area from out of the state.[13] The ozone SIP assumes that 230,000 vehicles in the categories affected by the Tier 2 standards will travel 7.8 million miles in the South Coast in 2010.

C. Remaining Shortfall

As shown in Table 1 below, CARB and EPA currently estimate that final or pending Federal measures will achieve approximately the following emission reductions in the South Coast in 2010: 94 tpd NO_X and 39 tpd VOC. This leaves a projected shortfall of approximately 15 tpd NO_X and 8 tpd VOC in the attainment demonstration for the South Coast, based on emission factors, models, and inventories consistent with those used in the 1994 ozone SIP.

STATUS OF FEDERAL MEASURES

[Tons per Day in the South Coast in 2010]

Measure	Assignment		Achieved/pending	
	NO_X	ROG	NO_X	ROG
M6—HD Diesel Onroad Vehicles	16	2	16	2

[12] On October 22, 1998, EPA and CARB announced settlement of enforcement cases brought against Caterpillar, Cummins, Detroit Diesel, Volvo, Mack Trucks/Renault and Navistar. These manufacturers had equipped their engines with defeat devices that advanced the fuel injection timing when vehicles were driven at steady highway speeds, thereby improving fuel economy at the expense of increased NO_X emissions. The settlement also involves civil penalties and agreements by the manufacturers to provide over $100 million in funding for environmental projects either identified in the consent decrees or awarded to project applicants. California will receive 25 percent of the penalty funds and 20 percent of the project funds collected in the joint enforcement actions.

[13] Some additional benefits may be associated with future EPA regulations restricting sulfur in gasoline, since the cleaner gasoline would increase the durability of catalytic converters.

STATUS OF FEDERAL MEASURES—Continued

[Tons per Day in the South Coast in 2010]

Measure	Assignment		Achieved/pending	
	NO_X	ROG	NO_X	ROG
M10—Diesel Nonroad	44	5	41	9
M12—Industrial Equipment [1]	13	25	6	18
M13—Marine Vessels	9	.....	2	.....
M14—Locomotives	23	.....	23	.....
M15—Aircraft	4	3	.....	.....
M16—Pleasure Craft	.....	12	.....	10
Total	109	47	88	39
National Tier 2 Standards [1]	.....	.....	4	.....
Heavy-Duty Settlement	.....	.....	2	.....
Grand Total	109	47	94	39
Shortfall	.....	.....	15	8

[1] The rulemakings for these standards have not been completed and, therefore, the reduction numbers are projections.

Much of the shortfall is due to the State's expectation that EPA would issue stringent standards for commercial aircraft engines and ocean-going vessels, and that turnover in these engines would be rapid enough to achieve substantial reductions by 2010. As noted above, emissions standards for these categories have been established internationally through organizations within the United Nations. Unfortunately, the existing standards set by ICAO and the IMO will not achieve significant reductions by 2010 from commercial aircraft and ocean-going vessels, particularly due to the long lifespan of these engines.

There are also small shortfalls associated with M10 (Diesel Nonroad) and M16 (Pleasurecraft), and expected from forthcoming EPA regulations for M12 (Industrial Equipment). This would result if the national regulations establish standards or compliance schedules less aggressive than CARB had assumed.

D. EPA Proposed Consent Decree and Settlement Agreement

When EPA took final action to approve the 1994 ozone SIP, EPA expected to complete the PCP in June 1997. In lieu of approving the Federal measure assignments, the final action approving the SIP included commitments by EPA to undertake rulemaking at the PCP conclusion to issue any controls that were determined to be appropriate for EPA. EPA approved California's commitment to take the following actions as appropriate after the PCP: (1) to revise the South Coast attainment demonstration by December 31, 1997, to reflect the results of the PCP; and (2) to issue regulations by December 31, 1999, to accomplish those emission reductions determined to be appropriate for CARB.

Difficult issues associated with aviation and shipping strategies have required more time to resolve than EPA initially anticipated, and EPA has not yet concluded the PCP. In 1998, the Coalition for Clean Air, Natural Resources Defense Council, and Communities for a Better Environment amended a complaint against EPA originally filed in 1997 (*Coalition for Clean Air, et al.* vs. *SCAQMD, CARB, and USEPA*, No. CV 97–6916 HLH (C.D. CA.)). The amended complaint sought relief against EPA for failing to adopt Measure M13 (Marine Vessels) and Measure M15 (Aircraft) or substitutes with greater or equivalent emissions, failing to conclude the PCP in June 1997, and failing to determine the respective obligations of EPA and the State as to the additional emission reductions needed.

Under a proposed consent decree with the environmental plaintiffs, EPA has now committed to conclude the PCP. The proposed settlement was signed by all parties and lodged with the Court on November 13, 1998, in the form of a stipulation, consent decree, and settlement agreement. EPA issued a notice of the pending settlement on December 9, 1998 (63 FR 67879), consistent with CAA section 113(g). Parties filed a motion to enter the agreement on May 10, 1999.

1. Consent Decree

The proposed consent decree includes the following EPA commitments:

1. EPA shall, pursuant to the Clean Air Act and 40 CFR 52.238, conclude the South Coast mobile source public consultative process by determining by July 1, 1999:

a. What, if any, Volatile Organic Compounds (''VOC'') and Nitrogen Oxides (''NO_X'') mobile source controls, including associated emissions reductions, are needed to attain the 1-hour ozone National Ambient Air Quality Standard (''NAAQS'') in the South Coast Air Basin by no later than November 15, 2010 and are appropriate for EPA to promulgate;

b. EPA's rulemaking schedule for the controls identified in subparagraph 1(a). In determining such schedule, EPA will attempt to propose as many such measures as feasible by no later than December 31, 2000 and to promulgate final measures by no later than December 31, 2001;

c. What, if any, VOC and NO_X mobile source emission reductions are needed to attain the 1-hour ozone NAAQS in the South Coast Air Basin by no later than November 15, 2010 and are appropriate for the State of California to achieve through enforceable measures; and

d. The schedule for the State to submit to EPA a revised demonstration to attain the 1-hour NAAQS in the South Coast Air Basin by no later than November 15, 2010.

2. 40 CFR 52.220(c)(235)(I)(A)(1) contains a State commitment to submit control measures to achieve emission reductions determined to be appropriate, if any, by December 31, 1999. However, prior to July 1, 1999, EPA will discuss with the State whether the deadline in such commitment is still appropriate.

EPA is proposing to take the actions described in Section II of this document to comply with these provisions in the pending consent decree.

2. Settlement Agreement

Accompanying the consent decree is a proposed settlement agreement, in which EPA agrees to undertake various additional activities as part of its efforts to ensure that the Federal government does its share in helping to solve the ozone problem in the South Coast. The proposed settlement agreement commits EPA to the following specific actions. The terms of the settlement agreement are reproduced for informational purposes and are not proposed for public comment, although EPA does invite suggestions from the public on the best ways for the Agency to implement its commitments.

a. Federal Agencies. EPA Region 9 will, in consultation with the General Services Administration (GSA) and the Department of Energy (DOE), promote the purchase and use of low-emitting motor vehicles and other emission reduction and pollution prevention activities by Federal agencies located in the South Coast. With respect to the purchase of low-emitting motor vehicles, EPA will, in consultation and coordination with GSA and DOE, promote efforts of Federal agencies located in the South Coast to meet or exceed the alternative-fuel vehicle purchase requirements contained in the Energy Policy and Conservation Act and Executive Order 13031, including the requirements that, starting on July 1, 1999 and thereafter, at least 75 percent of the new vehicle purchases by the Federal agencies for use in the South Coast be alternative-fueled vehicles and that all Federal agencies located in the South Coast take steps to maximize the emission reductions achieved under this program.

b. Aircraft, Airport, Ocean-Going Vessels, and Ports. EPA will continue to provide forums and staff and management support for negotiating agreements to achieve feasible reductions in the South Coast from these categories, through operational strategies. EPA will also continue to work with lead Federal agencies negotiating international controls on aircraft engines and ocean-going vessels to achieve the greatest feasible emissions reduction benefits. Whenever possible, EPA will involve CARB, SCAQMD, and the environmental groups in these activities. EPA will provide to the public information on actions taken by the airline industry pursuant to the FAA–EPA agreement, and the emissions reductions achieved by these actions, and will involve the public, as feasible and appropriate, in the development and implementation of future agreements on voluntary retrofit programs and other voluntary programs. Within 90 days of issuing the final rulemaking on marine vessel engines, EPA will complete an assessment of the feasibility of establishing incentive programs designed to increase the number of lower emitting engines in fleets which operate exclusively in the South Coast.

c. National Standards for Onroad Heavy-Duty Diesel-Cycle Engines. During the public comment period following issuance of the proposed 1999 review to reassess the appropriateness of the year 2004 HDDV standards, EPA will hold a public meeting in the Los Angeles area to present information on the impacts of the HDDV standards on the South Coast and any measures available and consistent with the Clean Air Act to assure the maximum emission reductions from the HDDV rule in the South Coast. Information from this meeting and other outreach efforts relating to the South Coast will be considered in the final determination made pursuant to the 1999 review.

d. Retrofit requirements for onroad and nonroad vehicles and engines in the South Coast Air Basin. EPA will provide technical assistance to CARB to use the State's authority to require retrofitting of used nonroad engines. If CARB decides to provide incentives to stimulate retrofit rather than to require it, EPA will provide assistance in the State's efforts to comply with applicable Clean Air Act requirements for approval and credit of such measures.

e. Concentration of Cleaner Preempted Engines (Farm and Construction Equipment <175hp) in the South Coast. EPA will undertake a study of the benefits and costs and legality of a Federal program, perhaps particularly in areas classified as extreme and severe for ozone, that would provide incentives for manufacturers to increase sales and use of equipment powered by engines certified and produced to meet the most stringent exhaust emission standards then applicable, e.g., through increased fleet turnover. EPA intends to complete the study by September 1, 1999. The study will estimate as precisely as possible the emission reduction benefits, anticipated compliance costs and other impacts (including energy and safety considerations) on vehicle/engine manufacturers and owners, and emissions and air quality impacts both within and outside the area(s) of concentration, including a specific analysis for the South Coast. If EPA finds that the incentive approach is feasible, needed, and does not impede progress in other parts of the country, EPA intends to undertake expeditious actions to implement the program, with the goal of ensuring emission reduction benefits at the earliest feasible date.

E. State Update to the 1994 Ozone SIP for the South Coast

On May 20, 1999, CARB submitted a SIP update consisting of the following documents:

(1) An update to the South Coast ozone SIP, reporting on implementation of CARB and EPA control measures, which California assumed in the 1994 ozone SIP for the South Coast; and

(2) Executive Order G–99–037 committing the State: (a) to continue working with EPA to achieve the emission reduction commitments in the SIP for federal measures; (b) to adopt by December 31, 2000, and submit as a SIP revision, a revised attainment demonstration for the Federal 1-hour ozone standard in the South Coast; and (c) to adopt by December 31, 2001, control measures sufficient to achieve any additional emission reductions which are determined to be appropriate for CARB.

EPA found the submittal to be complete on May 20, 1999.[14]

1. Report on the Status of CARB Adoption of Control Measures in the 1994 Ozone SIP Submittal

CARB's report reviews the CARB and EPA accomplishments over the past four years in adopting controls which CARB committed to adopt or ''assigned'' to the Federal government. The report also provides references to adopted CARB regulations and associated emission reductions which fulfill the majority of CARB's near-term obligations under the 1994 ozone plan. The report uses the 1994 ozone SIP's currency, i.e., the emissions factors and emissions inventories consistent with those used in the 1994 ozone SIP, rather than improved inventories. The report also uses the term Reactive Organic Gases (ROG) in lieu of the Federal terminology, VOC.

The CARB update includes a table showing the status of CARB measures in the 1994 ozone SIP (''CARB Progress toward 1994 SIP Commitments'').

[14] 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).

CARB PROGRESS TOWARD 1994 SIP COMMITMENTS

[Tons per day in South Coast in 2010]

Source category and CARB measure	1994 SIP commitment		Adopted or planned rule		(Shortfall)	
	ROG	NO_X	ROG	NO_X	ROG	NO_X
Passenger Cars and Light-Duty Trucks:						
M1: Car Scrappage	14	11	0	0	(14)	(11)
M2: Advanced Technology	10	15	7	25	(3)	10
Medium- and Heavy-Duty Gasoline Trucks:						
M3: Accelerated emission standard	3	33	3	27	0	(6)
M8: Emission standard	0	3	0	3	0	0
Heavy-Duty Diesel Trucks & Buses:						
M4: Cleaner engine incentives	0	1	0	1	0	0
M5: 2004 std plus early reductions	5	56	5	51	0	(5)
New: Off-cycle diesel settlement	.....	.....	0	5	0	5
Off-Road Diesel Equipment:						
M9: Emission standard—adopt 1999	3	34	3	34	0	0
Off-Road Gasoline and LPG Equipment:						
M11: Emission standard	23	12	25	7	2	(5)
Off-Road Motorcycles:						
New: Emission standard	.....	.....	0.8	0.3	0.8	0.3
Marine Pleasurecraft						
New: Emission standard beyond M16	.....	.....	4	0	4	0
Cleaner-Burning Gasoline:						
New: Combustion chamber deposits	.....	.....	0	10	0	10
Small Off-Road Engines:						
Baseline: Changes to emission std	.....	.....	(2)	0	(2)	0
Consumer Products:						
CP2: Mid-term measures	36	0	9	0	(27)	0
Aerosol Paints:						
CP3: Aerosol paints standards	7	0	5	0	(2)	0
CARB Settlement Commitments:						
New: Measures adopted by 12/99	.....	.....	12	0	12	0
New: Measures adopted by 12/00	.....	.....	14	2	14	2
New: Measures adopted by 12/01	.....	.....	16	0	16	0
Total for Measures due by 12/01	101	165	101.8	165.3	0	0

The following discussion summarizes the State's update with respect to each CARB and EPA control measure identified in the State's 1994 submittal.

a. *Light- and Medium-Duty Vehicles (State Measure M1—Accelerated Retirement of Light-Duty Vehicles, and State Measure M2—Improved Control Technology for Light-Duty Vehicles)* Measure M1 called for accelerated retirement of cars and light trucks. CARB expects to need to pursue alternatives to the scrap program because of the lack of a funding mechanism. Measure M2 provided for additional emission reductions from cars and light trucks through more stringent emission standards beginning in 2004. The Low-Emission Vehicle II (LEV II) regulations implementing M–2 were adopted in November 1998 and achieved 52 tpd of emission reductions: 7 tpd of ROG and 45 tpd of NO_X. LEV II will provide 30 tpd of NO_X reductions beyond the M–2 commitment, and the State is applying 20 tpd toward the long-term mobile source measure for advanced control technologies or techniques (known as the ''Black Box'').[15] LEV II also left a 3 tpd ROG shortfall which must be made up through new measures.

In 1998, CARB adopted a new measure calling for tighter emission standards for on-road motorcycles to take effect beginning in 2000. The emission reductions associated with this measure were not included in the SIP, and provide additional reductions toward the CARB's overall commitments.

b. *Medium- and Heavy-Duty Gasoline Trucks (State Measure M3—Accelerated Ultra-Low Emitting Vehicle Requirement for Medium-Duty Vehicles; State Measure M8—Heavy-Duty Gasoline Vehicles; Lower Emission Standards in California).* Measure M3 was adopted in 1995, but a calculation error in the 1994 SIP resulted in a shortfall in the associated emission reductions even though the regulation achieved the performance standard specified in the SIP. Measure M8 for heavy-duty gasoline trucks was also adopted in 1995, and achieved the performance standard in the SIP.

c. *Heavy-Duty Trucks and Buses (State Measure M4—Heavy-Duty Diesel Vehicles; Early Introduction of 2.0 g/*

[15] CAA section 182(e)(5) authorizes EPA to approve long-term, conceptual measures that rely on new technologies as part of the attainment demonstration for the South Coast, the only ozone nonattainment area classified as ''extreme'' under the CAA.

bhp-hr NO_X Engines in Fleets through Incentives; State Measure M5—Heavy-Duty Diesel Vehicles; additional NO_X Reductions in California; State Measure M7—Accelerated Retirement of Heavy-Duty Vehicles). CARB is currently implementing M4 through the Carl Moyer program and the State is also working to secure continuing funding for the Carl Moyer program. Measure M5 required a California emission standard for heavy-duty diesel trucks and buses that would parallel national standards to be implemented in 2004. California adopted the national standard in 1998, achieving over 90 percent of the M5 commitment. This measure also assumed that California would implement the new national standard for diesel trucks and buses two years early (in 2002). However, based upon further analysis, CARB concluded that a California-only standard could harm the state's economy without providing any emission benefits if truck operators simply based their operations out of state. The 5 tpd of emission benefits associated with an early California-only standard will be achieved through the diesel off-cycle settlement, discussed above in section I.B.2.h.

Measure M7 in the original 1994 SIP was replaced with measure M–17 in 1998. Measure M–17 is a long-term commitment to reduce emissions from heavy-duty diesel engines through in-use compliance programs and possibly further incentives.

d. *Off-Road Equipment (State Measure M9—Off-Road Diesel Equipment—2.5 g/bhp-hr NO_X Standard; State Measure M11—Industrial Equipment, Gas & LPG).* CARB is currently developing a regulation to implement measure M9 to reduce emissions from off-road diesel equipment. Under the terms of a 1996 agreement between CARB, EPA, and the engine manufacturers, emission standards for off-road diesel engines will phase-in beginning in 2001—four years earlier than expected in the SIP. This measure is in development and will be considered by the Board in 1999.

Under measure M11, CARB adopted new emission standards for off-road equipment (like forklifts) powered by spark-ignition engines. The adopted regulation provides 2 additional tpd of ROG emissions, but falls 5 tpd short of the NO_X commitment.

In 1998, CARB modified existing emission standards for small off-road engines, such as those used in lawn and garden equipment, to address technical feasibility concerns and higher than expected deterioration in emission performance. The modified regulations focus on reducing deterioration. However, because deterioration emissions were not included in the 1994 SIP inventory, there is no credit in 1994 SIP currency for these reductions. The 2 tpd shortfall resulting from the regulatory changes must be made up through other strategies.

In 1998, CARB also adopted new emission standards for marine pleasurecraft, such as outboard motors, personal watercraft, and small jet boats. In the process of improving the emission inventory, CARB found that emissions from marine pleasurecraft were much higher than assumed in the 1994 SIP. The new emission standards will achieve significant real emission reductions. However, because the marine pleasurecraft inventory in the 1994 SIP is modest, the emission reductions in SIP currency are relatively small. Nevertheless, the new marine pleasurecraft standards provide additional reductions in 2010. When the statewide SIP strategy is revised in 2000, CARB will update the marine pleasurecraft inventory and take full credit for the benefits of the new regulation.

e. *Mobile Source Fuels.* With the introduction of cleaner-burning gasoline in 1996, gasoline refiners also introduced additives to reduce combustion chamber deposits. The decrease in combustion chamber deposits led to an unexpected additional decrease in NO_X emissions. In 1998, CARB adopted regulations to require the use of such additives to ''lock in'' the NO_X benefits already realized. The emission benefits of this regulation will decrease over time, providing 10 tpd of additional NO_X reductions in the South Coast in 2010.

f. *Consumer Products and Aerosol Paints.* The 1994 SIP called for 43 tpd of ROG reductions from consumer products and aerosol paints measures to be adopted by 1997. Adopted measures thus far have achieved 14 tpd of emission reductions, leaving a shortfall of 29 tpd. The State believes that additional reductions from consumer products are achievable, but at a lower level of effectiveness than called for in the SIP. As a result, CARB expects to look to other source categories to provide supplemental emission reductions in the near-term, and re-evaluate the appropriate level for long-term commitments for consumer products in the next comprehensive SIP update in 2000.

g. *State Actions to Eliminate Near-Term Emissions Reduction Shortfall.* The State's SIP update acknowledges that the total near-term reductions achieved fall short of CARB's SIP goal. In SIP currency, CARB has a near-term shortfall of 42 tpd of ROG and 2 tpd of NO_X. The State presents the following description of its activities in the future to address this shortfall:

> We recognize our responsibility to eliminate these deficits so that the ozone standard can be attained by the statutory deadline. Over the next three years, ARB has agreed to adopt and implement measures to eliminate the near-term shortfall. Toward that end, we are planning to develop and propose a number of new regulatory measures in 1999 and 2000, and to take further steps to address the deficit.
>
> ARB staff has pledged to consider, develop, and propose regulations to reduce emissions associated with gasoline refueling, revisit medium- and heavy-duty gasoline truck standards, reduce the emission standard for heavy-duty buses, require the use of clean diesel fuel in locomotives, adopt a suggested control measure for architectural coatings, and pursue additional emission reductions from consumer products. Additional or alternate measures may be added or substituted so long as the aggregate emission reductions are achieved.

EPA agrees with the State that this commitment reflects expeditious action to achieve the reductions required in the 1994 ozone SIP.

h. *Long-Term Measures.* As discussed earlier, the SIP also commits CARB to achieve 102 tpd of ROG and 30 tpd of NO_X in the long-term. The remaining long-term NO_X commitment has been reduced to 10 TPD because 20 TPD of the additional NO_X reductions from LEV II have been applied to the mobile source ''Black Box.''

Among the long-term commitments is measure M17, a replacement measure submitted to EPA in 1998 to substitute for measure M7, accelerated retirement program for heavy-duty trucks. M17 relies on an expanded in-use compliance program, which may include in-use NO_X testing plus supplementary incentives. The SIP submittal identifies an adoption date of 2004, with implementation beginning in 2005. Under the terms of the State's settlement with the Natural Resources Defense Council, Coalition for Clean Air, and Communities for a Better Environment (Coalition for Clean Air, et al. vs. SCAQMD, CARB, and USEPA, No. CV 97–6916 HLH (C.D. CA.)), CARB agreed to accelerate the adoption of M17 to 2003, if technically feasible.

The remaining long-term commitments were not specifically addressed in the lawsuit settlement. However, CARB will host a New Technologies Symposium in October 1999 to explore technologies capable of achieving zero and near-zero emissions, assess the feasibility of developing new regulations based on the technologies, and preview CARB's latest approaches

to making up the remaining SIP shortfalls.

2. CARB Review of Federal Actions That Contribute Emission Reductions

The State's report notes that EPA has made significant progress toward reducing emissions from federal sources. The following section summarizes the State's review of progress toward the Federal measures for each source category.

a. *Heavy-Duty Diesel Trucks and Buses.* The State notes that EPA's adoption of new national standards in 1997 achieved the Federal emission reductions from heavy-duty diesel vehicles in Measure M6 of the 1994 ozone SIP submittal. In addition, the State calculates an additional 2 tpd of NO_X emission reductions from the settlement of the off-cycle enforcement action against diesel engine manufacturers.

b. *Off-Road Equipment.* CARB states that EPA's 1998 national standards for diesel engines used in off-road equipment implements Measure M10 in the 1994 ozone SIP submittal. Under the terms of a 1996 agreement between CARB, EPA, and the engine manufacturers, emission standards for off-road diesel engines will phase in beginning in 2001—four years earlier than expected in the SIP. The adopted regulation provides 4 tpd of ROG beyond the reductions assumed in the 1994 ozone SIP submittal, but falls 3 tpd short in NO_X reductions.

c. *Marine Pleasurecraft.* The State's report indicates that the 1994 ozone SIP submittal reflected EPA's original intent to control stern drive engines, but EPA's 1995 emissions standards did not do so, resulting in a shortfall of 2 tpd of ROG reductions compared to Measure M16.

d. *Locomotives.* CARB concludes that EPA's stringent emission standards for new and re-built locomotives, coupled with CARB's Memorandum of Agreement with rail operators in the South Coast, are together expected to achieve the full emission reductions from Measure M14 in the 1994 ozone SIP submittal.

e. *Marine Vessels.* The State observes that marine vessels are among the most challenging categories from which to obtain emission reductions because emission standards are established through an international process. CARB's report estimates that new IMO emission standards that take effect in 2000 will provide 1.1 tpd of NO_X reductions. EPA's own emission standards for the captive fleet of diesel marine engines provide an additional 0.5 TPD of NO_X reductions. Additional reductions of 7 TPD of NO_X would still need to be achieved to meet the target in M13.

f. *Aircraft.* Regarding Measure M15, aircraft emission standards have traditionally been set by ICAO. CARB states that, because EPA preferred to work through the ICAO process to pursue aircraft engine emission standards, the consultative process has focused on voluntary strategies to reduce emissions from airport ground access transportation and ground support equipment. EPA and FAA have also convened a stakeholder process with state air agencies, airlines, engine manufacturers, and other interested parties to try to develop a national voluntary agreement for emission reductions from aircraft and related sources. Since none of these approaches have been finalized, there are no creditable emission reductions from aircraft or airports yet.

3. CARB Recommendations for Near-Term Federal Initiatives

Based on EPA's completed rulemakings and initiatives that CARB expects EPA to complete shortly, CARB concludes that the total reductions fall short of the emission reductions called for from Federal measures in the 1994 ozone SIP submittal by 8 tpd of ROG and 15 tpd of NO_X. The State expresses its belief that new measures under development or consideration by EPA, plus longer-term strategies, offer the opportunity for significant additional emission reductions from Federal sources to decrease or eliminate the remaining shortfall.

CARB observes that, in the near-term, EPA could develop various strategies, which have the potential to help make up shortfalls. The State identified the following possible Federal initiatives as under development.

a. *Light- and Medium-Duty Vehicles.* CARB discusses potential Tier 2 standards for passenger cars and light trucks nationwide, which were not anticipated in the 1994 SIP. The State already credits EPA with 4 tpd of NO_X reduction in its shortfall analysis, and notes that additional reductions might be achieved if the heavier sport-utility vehicles are subject to an interim NO_X standard in the national program. In commenting on EPA's accompanying proposal to limit sulfur in gasoline to levels currently required in California, CARB notes that the sale of lower sulfur gasoline nationwide will contribute to the success of the State's LEV II program by allowing Californians to travel out of state without fear that dirtier gasoline will poison the catalytic converter or degrade the emission control system in their vehicles.

b. *Heavy-Duty Gas Trucks.* CARB notes that new national emission standards for heavy-duty gasoline trucks might be issued in the near future, providing additional benefits beyond CARB's M8 commitment for reducing emissions from heavy-duty gasoline trucks.

c. *Off-Road Spark-Ignition Equipment.* The State discusses reduction estimates from potential EPA regulations for off-road spark-ignition engines. CARB estimates an emission reduction shortfall of 7 tpd ROG and 7 tpd NO_X, assuming that the regulations will be based on California's standards but would be implemented in 2004 instead of 2001, due to EPA resource limitations.

d. Marine Pleasurecraft. CARB references national emission standards for inboard engines used in marine pleasurecraft engines in 1999, with implementation beginning in 2004. CARB discusses the possibility that in this rulemaking EPA may issue emissions standards for recreational diesel marine engines, in the same timeframe as the gasoline engines. The State believes that these sets of standards could remedy the 2 tpd shortfall in ROG reductions that resulted from the changes EPA made in its proposed marine pleasurecraft regulations when the rules were finalized in 1995.

e. *Marine Vessels.* The State's update reports on the prospect of final national emission standards for marine diesel engines. The State discusses a technical workgroup that is evaluating technical issues associated with potential operational strategies for deep sea marine vessels (i.e., moving the shipping channel and/or speed reduction). The working group expects to complete its technical assessment of the two alternatives by the end of 1999. Assuming that an appropriate operational strategy is selected in 2000, the State estimates that implementation could begin in the 2000–2003 time frame depending on which strategy is chosen. Additional time may be needed depending on the level of coordination and involvement of other organizations such as the U.S. Navy, U.S. Coast Guard, and IMO. CARB also encourages EPA to work with the U.S. Coast Guard to encourage IMO to adopt more stringent second tier standards earlier than currently scheduled.

f. *Clean Diesel Fuel.* CARB notes that EPA is beginning a process that may lead to new nationwide specifications in 2000 for fuel used in on-road vehicles and potentially off-road equipment as well. If promulgated, the State assumed that the Federal requirements for low-

sulfur diesel fuel would result in lower emissions from vehicles, trucks and locomotives that cross into California from other states.

g. *Federal Incentives.* The State indicates that Federal financial incentives could support cost-effective programs that directly reduce emissions by accelerating the move to cleaner engines in school and transit buses, as well as mobile sources under federal control like locomotives, farm and construction equipment, harborcraft, ships, and aircraft. CARB believes that California's Carl Moyer program for heavy-duty diesel engines provides a successful model. In partnership with CARB and local districts, EPA could target incentives to accelerate the replacement of the dirty engines that run for decades (20 to 40 years or more in some cases) with much cleaner models that reduce ozone-forming emissions (plus air toxics) at a relatively low cost. The State believes that these types of incentives would be an ideal use for the proposed $200 million Clean Air Partnership Fund. According to the State, the Federal government could also take a stronger leadership role in accelerating the turnover of its own vehicle fleet to cleaner models, including expanded use of alternative-fueled vehicles.

4. CARB Recommendations for Longer-Term EPA Actions

CARB encourages EPA to evaluate the strategies described below for technical feasibility, air quality benefits, and cost-effectiveness.

a. *Heavy-Duty Diesel Vehicle Emission Standards.* As part of the 1995 Statement of Principles, EPA, CARB, and engine manufacturers agreed to evaluate whether emission standards for heavy-duty diesel vehicles can be tightened beginning in 2008. Further lowering the NO_X and particulate matter emission standards from heavy-duty diesel vehicle in concert with cleaner diesel fuel would reduce emissions and significantly reduce public exposure to particulate diesel exhaust.

b. *In-Use Compliance Program for Heavy-Duty Diesel Vehicles.* California's report encourages EPA to rely on CARB's ongoing work (SIP measure M17) to develop an in-use compliance program for NO_X emissions from heavy-duty diesel vehicles as the basis for a national program.

c. *Aircraft Engines.* As part of the effort to pursue all possible approaches to reducing airport and aircraft-related emissions, the State urged EPA to: work with engine manufacturers to encourage the development and commercialization of aircraft engines that emit less NO_X; work with airlines on voluntary programs to achieve an increasingly cleaner aircraft fleet; work with FAA to pursue ICAO aircraft engine emission standards that, at a minimum, reflect the lowest emitting currently available aircraft engines; and pursue where necessary regulations to ensure emission reductions from aircraft operations.

II. Proposed EPA Action

A. Commitment To Eliminate Remaining Shortfall

EPA, CARB, and affected stakeholders, including the South Coast Air Quality Management District (SCAQMD) and the environmental plaintiffs, have met during the PCP and have identified various approaches, particularly for the aviation and marine vessel categories, that have the potential to contribute additional reductions that could reduce or eliminate the remaining shortfall. The PCP participants generally agree, however, that it is not possible to identify specific emission reduction measures for these difficult source categories by the July 1, 1999 deadline for concluding the PCP, since more time will be required to resolve technical issues relating to the benefits and feasibility of control options.

Therefore, EPA and CARB intend to continue a focused cooperative effort to review these remaining questions and agree upon the best approach for achieving the relatively small balance of reductions still unaccomplished. CARB has committed to continue working with EPA and affected parties to achieve the emission reduction commitments in the SIP for Federal measures, and to adopt by December 31, 2001, control measures needed to achieve any additional emission reductions which are determined to be appropriate for CARB. EPA proposes to assume responsibility for identifying appropriate Federal measures, which would be adopted as expeditiously as possible but no later than December 31, 2001. Whenever feasible, any Federal measures would be proposed by December 31, 2000.

EPA proposes to complete any actions identified as appropriate for EPA rulemaking under the Agency's enforceable commitment, promulgated at the time of the 1994 ozone SIP approval, ''to undertake rulemaking, after the South Coast mobile source public consultative process, to promulgate any VOC and NO_X mobile source controls which are determined to be appropriate for EPA and needed for ozone attainment in the Los Angeles-South Coast Air Basin Area.'' 40 CFR 52.238. EPA believes that this approach is consistent with the EPA commitments under sections I.1(a) and I.1.(b) of the proposed consent decree, quoted above, although EPA notes that actions taken to reduce emissions might not be limited to controls on mobile sources and fuels.

EPA is currently considering various options including the projects discussed in the overview of Federal Measures in section I.B.2, and CARB's suggested list of Federal initiatives in sections I.E.3 and I.E.4, that may achieve all or portions of the remaining reductions. Once EPA decides which options to pursue, the Agency will undertake formal rulemaking, with public notice and comment opportunities. EPA will inform and involve State and local stakeholders in this process.

Finally, EPA intends to set expeditious implementation dates for any resulting national regulations consistent with the Agency's CAA authority, to help South Coast achieve, at a minimum reductions needed to reach attainment by 2010.

B. Approval of SIP Update

EPA is also proposing to approve the update to the South Coast ozone SIP submitted by CARB on May 20, 1999. As noted above, the update consists of a report on the status of implementation of CARB's committal measures in the 1994 ozone SIP, along with a report on emission reductions from EPA national mobile source regulations, in the context of the South Coast ozone SIP attainment demonstration.

As discussed above, EPA and CARB have agreed that controls will be identified and adopted by the appropriate agencies by December 31, 2001 to eliminate the shortfall, currently estimated to be 8 tpd VOC and 15 tpd NO_X. CARB has made such an enforceable commitment as a replacement for the existing State commitment (40 CFR 52.220(c)(235)). CARB also committed to revise the South Coast ozone attainment demonstration by December 31, 2000. EPA proposes to approve Executive Order G–99–037, dated May 20, 1999, and submitted on May 20, 1999, which updates the timelines in Executive Order G–96–031. EPA believes that this approach is consistent with sections I.1.(c) and I.1.(d) of the proposed consent decree.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in

relation to relevant statutory and regulatory requirements.

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, 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 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 this action 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 proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Oxides of nitrogen, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 26, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 99–14317 Filed 6–4–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 24, 26, 27, 73, 74, 80, 87, 90, 95, 97, and 101

[WT Docket No. 99–87, RM–9332, RM–9405; DA 99–950]

Revised Competitive Bidding Authority

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making; extension of comment period.

SUMMARY: This document extends the time to file comments and reply comments on the *Notice of Proposed Rule Making* released on March 25, 1999, which deals with the Commission's revised competitive bidding authority under the Balanced Budget Act of 1997. Comments were due on or before July 2, 1999, and reply comments were due on or before August 2, 1999. On May 19, 1999, the Commission released an order (DA 99–950) that grants the Land Mobile Communications Council's ''Request for Extension of Time to File Comments.'' The new deadlines will be August 2, 1999 for comments and September 16, 1999 for reply comments.

DATES: Comments must be filed on or before August 2, 1999 and reply comments must be filed on or before September 16, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Room TW–A325, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gary D. Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660, or Scot Stone, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in WT Docket No. 99–87, DA 99–950, adopted and released on May 19, 1999. The full text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 Twelfth Street, S.W., Washington, D.C. 20554, and may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. The *Order* is also available on the Internet at the Commission's web site: http://www.fcc.gov/wtb/documents.html.

1. On March 25, 1999, the Commission released a *Notice of Proposed Rule Making* (''*NPRM*''), WT Docket No. 99–87, RM–9332, RM–9405, FCC 99–52, 64 FR 23571, May 3, 1999. Comments on the *NPRM* were due on or before July 2, 1999, and reply comments were due on or before August 2, 1999.

2. On May 12, 1999, the Land Mobile Communications Council (''LMCC'') filed a ''Request for Extension of Time to File Comments'' to extend the deadlines for filing comments and reply comments to August 2, 1999 and September 16, 1999, respectively. LMCC contends that an extension is warranted due to the number of questions raised in the *NPRM* and the impact the answers to these questions will have on the private wireless industry.

3. Although the Commission does not routinely grant extensions of time in rule making proceedings, we agree that an extension will afford parties the necessary time to coordinate and file comments that will facilitate the compilation of a more complete record in this proceeding, without causing undue delay of the Commission's consideration of the issues. Accordingly, *it is ordered* that the ''Request for Extension of Time to File Comments'' filed by the Land Mobile Communications Council is granted. Interested parties may file comments on or before August 2, 1999, and reply comments on or before September 16, 1999.

4. This action is taken pursuant to the authority provided in 47 CFR 1.46 and under delegated authority pursuant to 47 CFR 0.131, 0.331.

Federal Communications Commission.

Mark R. Bollinger,

Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

[FR Doc. 99–14112 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–176; RM–9579]

Radio Broadcasting Services; Holualoa, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 221C2 to Holualoa, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 19–37–06 NL and 155–57–00 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–176, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14277 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–175; RM–9578]

Radio Broadcasting Services; Hanapepe, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 232C1 to Hanapepe, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21–54–43 NL and 159–35–43 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–175, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14276 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–174; RM–9577]

Radio Broadcasting Services; Hanamaulu, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 266C1 to Hanamaulu, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21–59–51 NL and 159–21–26 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–174, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14275 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–173; RM–9576]

Radio Broadcasting Services; Wahiawa, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 278A to Wahiawa, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21–30–00 NL and 158–02–00 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–173, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room

CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14274 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–172; RM–9575]

Radio Broadcasting Services; Nanakuli HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 295A to Nanakuli, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 21–23–30 NL and 158–08–30 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–172, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14273 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–171; RM–9574]

Radio Broadcasting Services; Carmel Valley, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 290A to Carmel Valley, California as that community's first local aural transmission service. Coordinates used for this proposal are 36–20–28 NL and 121–42–51 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–171, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14272 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–181; RM–9584]

Radio Broadcasting Services; Easton, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 300A to Easton, California as that community's first local aural transmission service. Coordinates used for this proposal are 36–45–28 NL and 119–51–55 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–181, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14271 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–180; RM–9583]

Radio Broadcasting Services; Cloverdale, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 274A to Cloverdale, California as that community's first local aural transmission service. Coordinates used for this proposal are 38–44–22 NL and 123–00–32 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–180, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14270 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–179; RM–9582]

Radio Broadcasting Services; Kurtistown, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 271A to Kurtistown, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 19–35–36 NL and 155–03–36 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–179, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14269 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–178; RM–9581]

Radio Broadcasting Services; Kihei, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 298C2 to Kihei Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 20–47–00 NL and 156–27–48 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–178, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14268 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–177; RM–9580]

Radio Broadcasting Services; Honokaa, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 275C2 to Honokaa, Hawaii, as that community's first local aural transmission service. Coordinates used for this proposal are 20–04–54 NL and 155–28–00 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–177, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14267 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–189; RM–9592]

Radio Broadcasting Services; Golden Meadow, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 289C2 to Golden Meadow, Louisiana, as that community's first local aural transmission service. Coordinates used for this proposal are 29–14–00 NL and 90–15–00 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–189, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14266 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–188; RM–9591]

Radio Broadcasting Services; Bruneau, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 273C1 to Bruneau, Idaho, as that locality's first local aural transmission service. Information is also requested regarding the attributes of Bruneau, Idaho, to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 42–49–57 NL and 115–48–57 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–188, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14265 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–187; RM–9590]

Radio Broadcasting Services; Summit City, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 221A to Summit City, California, as that locality's first local aural transmission service. Information is requested regarding the attributes of Summit City, California, to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 40–39–19 NL and 122–24–10 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–187, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of

this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14264 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–199, RM–9564]

Radio Broadcasting Services; Cordele, Hawkinsville, Montezuma, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition jointly filed by Metro Com Corp., licensee of Station WKKN(FM), Cordele, GA, Broadcast Equities Corp., permittee of a new station at Montezuma, GA, and Tri-County Broadcasting Company, licensee of Station WQSY, Hawkinsville, GA. Petitioners request the substitution of Channel 236C3 for Channel 252A at Cordele, the modification of Station WKKN's license to specify the higher class channel, the substitution of Channel 280C3 for Channel 236A at Montezuma, the modification of Broadcast Equities construction permit to specify the higher class channel and the substitution of Channel 252C3 for Channel 280C3 at Hawkinsville and the modification of Station WQSY's license to specify the alternate Class C3 channel. Channel 236C3 can be allotted to Cordele in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.6 kilometers (12.8 miles) northwest, at coordinates 32–06–24 NL; 83–55–39 WL. Channel 252C3 can be allotted to Hawkinsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.8 kilometers (1.1 miles) east, at coordinates 32–16–51 NL; 83–27–02 WL. Channel 280C3 can be allotted to Montezuma in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.1 kilometers (13.1 miles) east, at coordinates 32–14–46 NL; 8349–01 WL. Each of the site restrictions is required to accommodate the desired transmitter site of the petitioners. In accordance with Section 1.420(g)(3) of the Commission's Rules, we will not accept competing expressions of interest in the proposed channel allotments or require the petitioners to demonstrate the availability of an additional equivalent channel for use by such parties.

DATES: Comments must be filed on or before July 19, 1999, and reply comments on or before August 3, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dan J. Alpert, 2120 21st Road, Arlington, VA 22201 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–199, adopted May 19, 1999, and released May 28, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14263 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–186; RM–9589]

Radio Broadcasting Services; Mettler, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 255A to Mettler, California, as that locality's first local aural transmission service. Information is requested regarding the attributes of Mettler, California, to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 35–02–00 NL and 118–57–26 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–186, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW.,

Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14262 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–185; RM–9588]

Radio Broadcasting Services; Maricopa, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 235A to Maricopa, California, as that community's first local aural transmission service. Coordinates used for this proposal are 35–05–01 NL and 119–26–00 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–185, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14261 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–184; RM–9587]

Radio Broadcasting Services; Lost Hills, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 289A to Lost Hills, California as that community's first local aural transmission service. Coordinates used for this proposal are 35–38–19 NL and 119–48–26 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–184, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14260 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–183; RM–9586]

Radio Broadcasting Services; Herlong, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 281C2 to Herlong, California as that locality's first local aural transmission service. Information is requested regarding the attributes of Herlong, California, to determine whether it is a *bona fide* community for allotment purposes. Coordinates used for this proposal are 40–14–05 NL and 120–09–31 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–183, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14259 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–182; RM–9585]

Radio Broadcasting Services; Hamilton City, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain West Broadcasting, requesting the allotment of Channel 269A to Hamilton City, California as that community's first local aural transmission service. Coordinates used for this proposal are 39–49–52 NL and 122–02–31 WL.

DATES: Comments must be filed on or before July 12, 1999, and reply comments on or before July 27, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mountain West Broadcasting, c/o Victor A. Michael, Jr., President, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–182, adopted May 12, 1999, and released May 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14258 Filed 6–4–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 64, No. 108
Monday, June 7, 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

Office of the Secretary

Advisory Committee on Agricultural Biotechnology

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of intent to establish the Advisory Committee on Agricultural Biotechnology

SUMMARY: The U.S. Department of Agriculture proposes to establish the Advisory Committee on Agricultural Biotechnology (ACAB). The Secretary of Agriculture is requesting nominations for qualified persons to serve as members of the ACAB.

DATES: Written nominations must be received on or before July 7, 1999.

ADDRESSES: Nominations should be sent to Michael Schechtman, Designated Federal Official, Office of the Deputy Secretary, USDA, 202B Jamie L. Whitten Federal Building, 14th and Independence Avenue, SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Michael Schechtman, Designated Federal Official, telephone (202) 720–3817; fax (202) 690–4265; email *michael.g.schechtman@usda.gov*. To obtain form AD–755 ONLY please contact Dianne Harmon, Office of Pest Management Policy, telephone (202) 720–4074, fax (202) 720–3191; email *dharmon@ars.usda.gov*.

SUPPLEMENTARY INFORMATION:

Advisory Committee Purpose

The Secretary of Agriculture is establishing the Advisory Committee on Agricultural Biotechnology (ACAB) to advise the Secretary of Agriculture on the broad array of issues related to the expanding dimensions and importance of agricultural biotechnology. USDA has complex and crucial roles in protecting public health and safety, the natural environment, and a competitive, vibrant, and diverse farm economy; ensuring the quality and availability of our food and fiber supply; and maintaining the competitive position of American agricultural products in the international marketplace. These topics are of critical concern in the conduct of agricultural biotechnology research, regulation, and commercialization. Some of the topics that the Secretary of Agriculture has identified for the ACAB's initial consideration include: effects of industry concentration and consolidation on farmers; intellectual property rights and grower autonomy; effects of biotechnology on small farmers; ways to maximize or encourage potential benefits of biotechnology in different agricultural sectors; and USDA's role in assuring that farmers have an array of choices for future agricultural technology and practices. The ACAB will meet in Washington, DC, up to four (4) times per year.

Task Force Membership

The ACAB will consist of 25 members of whom no more than five (5) will be federal employees. Members of ACAB should have recognized expertise in one or more of the following areas: Recombinant-DNA (rDNA) research and applications using plants; rDNA research and applications using animals; rDNA research and applications using microbes; food science; silviculture and related forest science; fisheries science; ecology; veterinary medicine; the broad range of farming or agricultural practices; weed science; plant pathology; small farm advocacy; biodiversity issues; applicable laws and regulations relevant to agricultural biotechnology policy; risk assessment; consumer advocacy and public attitudes; public health/epidemiology; occupational health; ethics, including bioethics; human medicine; biotechnology industry activities and structure; intellectual property rights systems; and international trade. Members will be selected by the Secretary of Agriculture in order to achieve a balanced representation of viewpoints to address effectively USDA biotechnology policy issues under consideration.

Nominations for ACAB membership must be in writing and provide the appropriate background documents required by USDA policy, including background disclosure form AD–755. Neither the form nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C.552a).

No member may serve on the ACAB for more than three (3) consecutive terms. Nominees will initially serve for terms of 1 or 2 years for purposes of continuity.

Members of the ACAB and its subcommittees shall serve without pay, but with reimbursement of travel expenses and per diem for attendance at ACAB and subcommittee functions for those ACAB members who require assistance in order to attend the meetings. While away from home or their regular place of business, those members will be eligible for travel expenses paid by REE, USDA, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the government service is allowed under section 5703 of Title 5, United States Code.

Submitting Nominations

Nominations should be typed and include the following:

1. A brief summary of no more than two (2) pages explaining the nominees suitability to serve on the ACAB.

2. A resume or curriculum vitae.

3. A completed copy of form AD–755.

Nominations should be sent to Michael Schechtman at the address listed above, and be post marked no later than July 7, 1999.

USDA is actively soliciting nominations of qualified minorities, women, persons with disabilities and members of low income populations through outreach to minority-focused media outlets, Historically Black Colleges and Universities, including Clark Atlanta University, the Hispanic Association of Colleges and Universities, the National Congress of Native American Indians, the Intertribal Agriculture Council, Gallaudet and Purdue Universities, and the Rural Coalition. To ensure that recommendations of the ACAB take into account the needs of underserved and diverse communities served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent

minorities, women, and persons with disabilities.

I.M. Gonzalez,

Under Secretary for Research, Education, and Economics.

[FR Doc. 99–14308 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Request to Extend a Currently Approved Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Research Service's intent to request an extension of a currently approved information collection, the Continuing Survey of Food Intakes by Individuals (CSFII) 1999–2002.

DATES: Comments on this notice must be received August 11, 1999 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Alanna J. Moshfegh, Research Leader, Food Surveys Research Group, Beltsville Human Nutrition Research Center, Agricultural Research Service, U.S. Department of Agriculture, 4700 River Road, Unit 83, Riverdale, MD 29737, (301) 734–8457.

SUPPLEMENTARY INFORMATION:

Title: Continuing Survey of Food Intakes by Individuals (CSFII) 1999–2002.

OMB Control Number: 0518–0023.

Expiration Date of Approval: October 31, 1999.

Type of Request: Extension of a currently approved information collection, the Continuing Survey of Food Intakes by Individuals (CSFII).

Abstract: USDA has been conducting nationwide food surveys since the 1930's as one means of fulfilling its responsibility to ensure the health and well-being of Americans through improved nutrition. USDA food consumption surveys measure the levels and shifts in the food and nutrient content and the nutritional adequacy of U.S. diets over time, and provide other information pertinent to understanding diets and their determinants.

The Continuing Survey of Food Intakes by Individuals (CSFII) is a major component of the National Nutrition Monitoring and Related Research Program (NNMRRP), established by the National Nutrition Monitoring and Related Research Act of 1990 (P.L. 101–445). The CSFII addresses the requirement of the 1990 Act for continuous monitoring of the dietary and nutritional status of the U.S. population and trends with respect to such status by obtaining information on food intakes by individuals. Another component of the NNMRRP, the Diet and Health Knowledge Survey (DHKS), is included in the CSFII. The DHKS is the first national survey designed so that data on individuals' attitudes and knowledge about nutrition and health can be linked directly to data on their food and nutrient intakes.

The primary public policy applications of USDA's food consumption survey data include evaluating the adequacy of American diets in relationship to scientific and Federal dietary recommendations and goals. Applications include monitoring the dietary status of at-risk population subgroups including children, the elderly, low-income, etc; assessing the nutritional impact of Federal food assistance programs; estimating exposure to pesticide residues, food additives, and contaminants; and monitoring and evaluating food use across the population specifically as it relates to food safety issues. Under the Food Quality Protection Act of 1996, the CSFII provides food consumption data for use in improving the accuracy and quality of EPA dietary risk assessments. Other applications include developing food fortification, enrichment, and labeling policies and assessing the nutritional impact of those policies; and assessing demand for agricultural products.

Accurate and timely food consumption data in an electronic, user-friendly format is a goal essential for meeting the information needs of these applications. The CSFII 1999–2002 interviews will use a computer-assisted telephone mode of collection. A newly developed USDA multiple-pass 24-hour recall method will be used to collect the dietary information. The sample will be drawn through a list-assisted random-digit dialing approach with the full U.S. population covered each year. Future plans include integrating the CSFII with the DHHS' National Health and Nutrition Examination Survey, allowing for a significant increase in sample size and coverage of population subgroups and use of a common dietary methodology and nutrient data base.

For the past two years extensive methodologic research has been conducted to develop an improved USDA multiple-pass 24-hour recall method to collect the dietary information by telephone. Both cognitive research and field tests have been conducted as components of this research. Activities also have been ongoing to automate the recall method and other survey questionnaires for administration by telephone. During the next year, development and testing of the computer-assisted recall method and other questionnaires will continue. The computer-assisted telephone interviews will be tested and evaluated in two nationwide pilot studies. Data collection for the main CSFII will begin January 2001.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 90 minutes per response.

Respondents: Non-institutionalized individuals of all ages residing in private households in the U.S.

Estimated Number of Respondents: 5,000 over 1 year.

Estimated Total Annual Burden on Respondents: 7,500 hours.

Copies of this information collection and related instructions can be obtained without charge from Lori G. Borrud, Food Surveys Research Group, Beltsville Human Nutrition Research Center, Agricultural Research Service, U.S. Department of Agriculture, 4700 River Road, Unit 83, Riverdale, MD 20737, (301) 734–8457.

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 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 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. Comments may be sent to Alanna J. Moshfegh, Food Surveys Research Group, Beltsville Human Nutrition Research Center, Agricultural Research Service, U.S. Department of Agriculture, 4700 River Road, Unit 83, Riverdale, MD 20737, (301) 734–8457.

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.

Signed at Beltsville, MD, May 27, 1999.

Phyllis E. Johnson,

Director, Beltsville Area, Agricultural Research Service.

[FR Doc. 99–14307 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 99–026N]

Australia's Meat Safety Enhancement Program (MSEP)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of equivalence decision.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing its decision that the Australian Quarantine and Inspection Service's (AQIS) Meat Safety Enhancement Program (MSEP) for slaughter inspection in establishments that slaughter meat for export to the United States: (1) Meets all requirements of U.S. law for the import of product to the United States; (2) provides the same level of public health protection as U.S. domestic slaughter inspection; and, (3) is therefore equivalent. The Agency will review its equivalence decision when AQIS completes the MSEP field trials and prepares a report for FSIS review. In the interim, Australian establishments that participate in the MSEP field trials may ship product to the United States.

ADDRESSES: Copies of the MSEP document are available from the FSIS Docket Clerk, Room 102 Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. A copy may also be obtained from the Australian Quarantine and Inspection Service homepage at *http://www.dpie.gov.au/aqis/homepage.*

A transcript of the public meeting is available for review by the public in the FSIS Docket Room.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Manis, Director, International Policy Division; Office of Policy, Program Development, and Evaluation; (202) 720–6400; or by electronic mail to *mark.manis@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

FSIS published a notice in the **Federal Register** on January 15, 1999 (64 FR 2621) announcing the availability of a document prepared by AQIS that sets forth AQIS's plan to conduct field trials of the MSEP—a new slaughter inspection system. Australia sought the concurrence of the United States in order to continue meat exports to this country from plants that participate in a pilot test of MSEP. FSIS requested comments on the document that the public could submit in writing or at a public meeting.

Public Comments

FSIS held a public meeting on February 3, 1999, to discuss the MSEP program and hear public comments. At this meeting, AQIS presented its program and responded to concerns raised by attendees.

Most of the written comments expressed opposition to MSEP equivalence.

Those in favor pointed out that the MSEP proposal resolves issues raised in November 1997 when FSIS informed AQIS that Project 2 (an earlier version of MSEP) was not equivalent because it did not provide an adequate form or intensity of Federal oversight. Favorable comments also cited the AQIS commitment to station a Government inspector on each slaughter line at a point between carcass trimming and final rinse for 100% verification that zero-fecal and other defect requirements have been met.

Those opposed to MSEP equivalence raised various issues that are discussed in the following sections. Responses provided by AQIS are included in this discussion.

1. Several comments expressed concerns about an increase in cases of Salmonellosis reported in Australia during 1996 and 1997. These cases were said to reflect problems in the Australian domestic meat inspection system, which is similar to MSEP. AQIS responds to this issue as follows:

> A Communicable Infectious Diseases report of the Australian Department of Health and Aged Care on *Salmonella* cases in Victoria showed that the main recent outbreaks were attributable to Italian-style ice cream, peanut butter, mayonnaise and processed meat products. There was no data indicating an association of cases with raw meat coming from abattoirs. Conclusions from the report indicate that 'gross errors in food handling and mishandling by consumers' were the principal contributing factors.
>
> It was indicated that the 'high success rate in tracking the sources of outbreaks, and the associated publicity, probably led to more testing and more reporting of outbreaks which may previously have gone unreported.'
>
> A recent baseline study conducted on Australian export beef (1996) demonstrated that the incidence of *Salmonella* on carcases was 0.4%. Approximately 17 years ago a similar survey demonstrated that the incidence was 2.0%. The results of the 1996 baseline survey suggests that there has been a five-fold improvement in the reduction of *Salmonella* on Australian beef. The general prevalence of Salmonellosis world wide has increased, as it has in Australia, but it can be attributed to better testing and reporting in general, and in the case of Australia, to items such as peanuts, coleslaw, eggs, etc. Testing so far for *Salmonella* in the context of Pathogen Reduction/HACCP implementation in the Australian export meat plants has revealed a 0.05% positive isolation rate from beef carcases.

FSIS notes that comments about domestic foodborne illness rates in Australia do not relate directly to MSEP equivalence or the equivalence of Australian plants certified for export to the United States. AQIS has implemented the same or equivalent Pathogen Reduction/Hazard Analysis Critical Control Point (HACCP) final rule microbial testing programs in all U.S.-certified Australian plants. Additionally, AQIS has collected baseline *Salmonella* data and other microbial data which indicate that the one plant presently proposed for MSEP pilot testing produces very clean product under traditional inspection. These data will be applied as performance standards during subsequent field trials while the trial plant operates under MSEP. AQIS will hold this plant responsible for attaining the same or better microbiological results under MSEP than it achieved under traditional inspection. As other Australian export plants qualify for MSEP, AQIS and FSIS will review their baseline to ensure that appropriate microbial performance standards are applied.

2. Some commenters expressed concerns about what activities constitute Government inspection under MSEP. AQIS responds as follows:

> Government inspection under MSEP comprises all of the following activities and responsibilities outlined in the appropriate Australian Federal Government legislation (The Export Control Act and associated Export Meat Orders). These activities and responsibilities include: Facilities and site standards of construction, hygiene etc, fit and proper person clearance of company principals, operational process control, ante and post mortem verification and oversight, disposition and control, full time government veterinary officer oversight, 100% verification for zero fecal contamination by a government meat inspector stationed at the end of the slaughter line, microbiological verification (ESAM program), macroscopic verification (Meat Hygiene Assessment), government approved HACCP/QA system and, government certification.

FSIS notes that the AQIS proposal details qualification requirements for establishments that apply for MSEP participation and delineates activities

that AQIS will perform to ensure product wholesomeness and safety. The AQIS mark of inspection will be applied in MSEP plants to product that is handled, processed and stored in a manner that fully complies with AQIS Export Meat Orders and import requirements of the United States. AQIS will provide additional MSEP inspection controls as follows: (1) The AQIS meat inspector will be stationed on the line in cattle slaughter plants at a point before final wash; (2) final trimming will be under the supervision of the AQIS meat inspector; (3) the AQIS inspector will perform a verification for zero-fecal and other carcass defects on *each* carcass before final wash; (4) carcass defect data will be collected at this point on the line under the Meat Hygiene Assessment (MHA) program; and (5) the in-plant veterinarian will perform ante-mortem sampling, some verification activities, and oversight functions on the entire slaughter line.

Thus, AQIS inspection under MSEP will combine direct oversight of company employee functions combined with carcass-by-carcass verification that plant HACCP/Quality Assurance (QA) systems provide safe and wholesome product.

3. Several commenters questioned why AQIS has not provided baseline data for other plants that will participate in MSEP field trials. AQIS responds as follows:

In 1996/97 five plants were selected for inclusion in the proposed Project 2 pilot trial. Over the course of the collaborative development and evolution of the Project 2 model to the MSEP model, the number of eligible plants has been reduced now to one. This plant is a beef processing plant at Rockdale, NSW. One of the original selected plants dropped out due to the untimely death of the plant's QA manager. Two others wished to retain their EU listing so therefore do not qualify for inclusion in MSEP at this point of time. The other plant does not presently meet the AQIS pre-requisite requirements.

AQIS intends to bring this and other plants into the trial, once all pre-requisite conditions have been met, including collection of baseline data and prior consultation with FSIS.

Initial 'before' data as outlined in the original Project 2 plan has been collected from these plants. But because only one of the plants progressed to the MSEP stage—benchmark or performance standard MSEP data is not available from any other Australian plant.

4. Some commenters suggest that MSEP cannot be found equivalent because AQIS presented no data proving it provides results equal to or better than traditional inspection. AQIS responds as follows:

MSEP has not yet been implemented. One plant has been selected for initial inclusion in MSEP. Performance standard data has been collected from this plant. This has included both macroscopic and microbiological data for product along with an objective measure of process conformance and individual government meat inspection effectiveness.

FSIS notes that AQIS cannot implement MSEP until FSIS agrees to accept meat from trial establishments. One purpose of MSEP field trials is to establish whether company employees achieve the same or better results under AQIS oversight and verification as were achieved by Government inspectors under traditional inspection. Nonetheless, FSIS concludes that MSEP is equivalent because it meets all requirements of U.S. law for the import of product to the United States and provides the same level of public health protection as U.S. domestic slaughter inspection.

5. Several commenters cited the 1998 European Union (EU) audit of Australia's export meat inspection system as evidence that AQIS controls are not fully effective. AQIS responds as follows:

The EU review of Australian meat export meat establishments, which took place in March and April 1998, raised some concerns in the minds of the EU reviewers. These concerns did not relate to food safety or sanitation but highlighted operational and interpretational differences between European requirements and the Australian system, which have been operating for many years with EU concurrence.

Following high level consultations between senior Australian and EU officials in Brussels in October 1998, the EU has accepted assurances provided by Australia. The conclusions of the October 1998 meeting were viewed positively by both the EU and Australian officials.

FSIS notes that in the February 3 public meeting, AQIS fielded similar comments and explained that Australia and the EU had reached an agreement that preserved Australia's export listing. AQIS made it clear that it did not concur with some EU findings and had presented a vigorous defense of its program that resulted in an agreement of equivalence. In order to allay any lingering EU concerns, AQIS invited the EU to conduct a follow-up audit in 1999 for verification that all aspects of the equivalence agreement have been implemented. In May 1999, FSIS will also visit Australia to conduct a full audit of the Australian export meat inspection system. The Agency will make the results of that audit public.

6. Several commenters, including the Community and Public Sector Union (CPSU) that represents Australian Government meat inspectors, allege that AQIS has misrepresented union support for MSEP. They contend that CPSU has made its opposition to MSEP clear. AQIS responds as follows:

The Australian Council of Trade Unions (ACTU), the national peak body representing Australian workers, has formally endorsed the introduction of Quality Assurance systems into the Australian meat industry, along with systems to further enhance the safety of Australian meat. It further endorses the technical and structural reform processes currently under way in Australia.

The Community and Public Sector Union (CPSU) representing meat inspectors was originally invited to participate in a Steering Committee oversighting the MSEP, but withdrew because of the potential impact upon government meat inspector numbers.

FSIS notes that the MSEP proposal does not contain a claim that CPSU or its union inspectors are MSEP supporters. Under the section titled Australia's ''Commitment to Food Safety,'' AQIS states in paragraphs 2 and 3:

To further enhance this commitment the Prime Minister of Australia established a comprehensive Food Regulation Review in 1997. This review is examining ways to enhance the effectiveness and efficiency of food regulatory arrangements. Further to this review, the Australian Food Council has established a National Safe Food System in association with the Australia New Zealand Food Authority (ANZFA) to develop a coordinated, practical and effective food hygiene system centred on the Food Hygiene Standard and complementary AQIS regulations.

The union movement in Australia is firmly behind these initiatives. The Australian food industry has formalised an agreement with the Australian Council of Trade Unions (ACTU)—the Australian peak union body, on ways to introduce HACCP to Australian food enterprises.

The statement about union support in paragraph 3 relates to Australian government initiatives enumerated in paragraph 2. In Attachment A to the MSEP proposal, AQIS provides a joint statement between the Australian Food Council and the Australian Council of Trade Unions pledging support for food safety reforms. MSEP is not a component of those reforms.

7. Some concern was expressed about the role of the AQIS inspector who will be doing 100% carcass-by-carcass verification inspection at a point in the slaughter line between carcass trimming and final rinse. One concern was how this inspector could perform that function as well as oversee company employees, especially in multi-line plants. AQIS responds as follows:

Government MSEP verification inspection in multi-line plants under MSEP will involve

carcase by carcase inspection by a government meat inspector; one AQIS inspector per slaughter line. Australia does not have any single species, multi-line plants but has 27 plants listed for the US which process different species. For example, a slaughter plant operating under MSEP and processing cattle and sheep for the US market would have one inspector stationed at the end of the beef slaughter line and another inspector stationed at the end of the lamb/mutton slaughter line, each inspector carrying out verification inspection of every carcase.

FSIS notes that the amended AQIS proposal indicates that the verification inspector will operate at a fixed point on the slaughter line, while the AQIS veterinarian will conduct oversight of company employees.

8. An additional comment was submitted by the Government Accountability Project (GAP) on March 31, 1999. This comment listed ten allegations GAP has received from what it termed ''Australian whistleblowers.'' Although this letter was received after the comment period closed, FSIS considered it in the spirit of transparency that underlies each equivalence decision that the Agency makes. The allegations are summarized as follows:

(1) Lots sampled were not representative of the day's production.

(2) Sample sizes were not consistent.

(3) Corrective action on failures discovered in the morning sample was delayed until collection of afternoon data and averaging of both results, which meant that violations discovered at the beginning of production continued unabated.

(4) Sample collection times were not consistent, and were manipulated to avoid exposure of defects. In particular, the timing was tailored as a handicap for afternoon ''improvements'' that would neutralize particular morning failures prior to averaging the day's final results.

(5) AQIS was not expanding the scope of sampling after discovery of excessive violations, because industry promises to conduct carcass specific corrective action changed results from ''fail'' to ''pass.''

(6) Due to a shortage of government personnel, controls through ''Check the Checker'' AQIS sampling did not begin until mid day to verify the accuracy of industry data. This essentially left the industry on an honor system for morning results.

(7) For data which AQIS personnel could check in a timely manner, government inspectors and vets found over twice as many defects as reflected in industry records.

(8) Data underlying the MHA report was not statistically significant, because collection was not genuinely random and there were only two collections daily—inadequate due to inconsistencies in number of samples per lot and number of lots per day that were monitored.

(9) MSEP will mean the functional elimination of government process monitoring.

(10) The commitment to a final fecal inspection outpost is only an interim measure that AQIS already has announced may be withdrawn if approved by ''overseas authorities.''

FSIS interprets allegations one through eight as pertaining to AQIS baseline data collections that were conducted in the one Australian establishment presently participating in MSEP field trials. Mr. Brian Macdonald, Director, Meat Inspection Division, responded for AQIS to these eight allegations as follows:

From the construction of Questions 1–8 it would appear that the GAP's information relates to the implementation of the Meat Hygiene Assessment (MHA) program at the Rockdale Plant in a general sense. This has led to a questioning of the validity of the six-month data set presented at the public meeting on February 3.

While some of the wording suggests the information received relates to activity on a specific day the following comments assume their concerns relate to on-going performances.

Question 1. The MHA system requires lots to be determined by the carcase identification system, that is, a lot is a group of animals with the same tailtag (a property of origin alphanumeric identifier tag). A lot may represent the entire production for a shift, or any part thereof. It is recommended that wherever possible the selection of samples be randomised. The Veterinary Officers in Charge (VOIC) at the plant have indicated that the correct procedure is followed at Rockdale. The official AQIS policy for MHA operation across the export meat inspection program is random selection of carcases where possible.

Question 2. MHA sampling rates are appropriate and have been determined from the statistically validated Australian Standards 1199–1988, Sampling Procedures and Tables for Inspection by Attributes. The sampling rate is based on the number of animals in a lot and it has been confirmed with the AQIS VOICs that the sampling rate is consistent with the MHA document.

Question 3. Under MHA the sampling frequency and corrective action are clearly stated. Rockdale sources the majority of animals from an adjacent feedlot. For MHA purposes an entire day's production may be treated as a single lot. Thus animals slaughtered early in the day and late in the day may form a single lot for monitoring purposes. There is therefore, nothing of a sinister nature in the information that may have been passed to GAP.

This is not to say that appropriate corrective action was not taken immediately upon finding there had been a violation. Defects on product are required to be removed at the time they are identified by trimming. Also, assessment of procedures may require a delay in implementation of a definitive corrective action to assess if the issue is related to human error or procedural error. AQIS staff on the establishment concerned have been and will continue to exercise their regulatory responsibilities in this regard.

Question 4. As you can appreciate it is very difficult to respond to this allegation without further supporting evidence. Sampling times are supposed to vary as it is desirable that they do so to remove predictability from the system—employees would quickly learn when they are being monitored or are scheduled to be monitored, which would negate the value of the monitoring.

Monitoring is primarily a company responsibility and is thus one of a number of tasks that company employees carry out during their day. It is recommended in the MHA that ''the selection of samples be as random as possible'' therefore if sample selection times were consistent AQIS would be concerned that manipulation was at risk of taking place. In addition, independent monitoring is carried out by AQIS and any significant deviation in results between company and AQIS monitoring is followed up by AQIS as the regulatory authority. The AQIS VOICs have indicated there is no evidence of manipulation.

The point of afternoon improvements used to neutralise morning failures is also opposite to all practical findings on the issue of production line manufacturing efficiencies. Most process workers will perform well in the morning when they are fresh and will deteriorate over time due to mental and physical fatigue. There are many studies that substantiate that defects are more likely to occur toward the end of a shift than in the beginning of the shift, unless the operators are dealing with new procedures.

Question 5. Under the MHA there is a defined protocol for the changing of sampling intensity depending on the number of consecutive unacceptable or marginal defects identified by the company at monitoring, and AQIS on-plant staff have the responsibility to ensure the company complies with the MHA sampling parameters.

The VOICs have confirmed that where consecutive unacceptable or marginal defects are identified the intensity of monitoring as required in the MHA documentation is being implemented.

However, where a company has an MSQA in place and is monitoring a CCP on the processing floor, a violation of the CCP will not be subject to the MHA requirements. Such a violation will be subject to the specific corrective actions identified in the HACCP plan, and must be immediate since a CCP relates specifically to food safety issues. AQIS on-plant staff again are responsible for ensuring the company complies with its HACCP plan.

Question 6. The MHA system requires AQIS to perform check the checker monitoring on a twice weekly basis. It is not correct to conclude that at all other times industry is left to its own devices. Full-time AQIS inspection presence is provided at every US-listed abattoir, otherwise the establishment simply does not operate for the day.

Randomised AQIS monitoring may well mean that a check was not conducted in the morning. The aim of the AQIS process is to ensure that the company is not likely to know when check the checker process will occur during a shift or during the week. However there is an equal likelihood that any

part of a production shift will be subjected to an AQIS verification check consistent with well established quality management principles.

Question 7. It is possible that government officials may have found twice the number of defects as recorded by industry. Such isolated instances might occur, for example where the company was training new personnel. The important point to recognise is that such differences are not systemically or persistently tolerated. Where differences are found in MHA recording results, AQIS requires the company to institute an appropriate corrective plan to bring the monitoring into conformity with standards. This is the purpose of having the AQIS verification checks.

The AQIS VOICs have confirmed that where their monitoring finds differential recording of defects action is being taken by bringing the matter to the attention of management and implementing a documented corrective action plan.

AQIS plant records and other reviews and checks indicate that not only is the MHA system working satisfactorily at Rockdale but that the cleanliness and health of the product is consistently of a very high order.

Question 8. These comments have been addressed already and are summarised as follows:

- Samples are required to be selected at random wherever possible
- A lot is determined by animals carrying the same tailtag
- Sampling rates will be determined by the size of the lot and are based on the Australian Standard 1199–1988
- Lots monitored may represent the entire production of the shift or part thereof.

Specifically for the Rockdale plant, FSIS's experience of imported product does not bear out the allegations made in GAP's letter alleging ''exposure to food poisoning threats.'' The U.S. rejection data for the establishment from which the empirical data was presented at the public meeting confirms the programs AQIS has implemented are working and sustained. In the last 12 months Rockdale Beef has presented more than 1.5 million pounds of product to US port-of-entry inspection with no rejections for contamination or pathology.

The response outlined above is specific to the Rockdale plant. If GAP has specific allegations relating to the inappropriate operation of MHA at other Australian plants, AQIS would welcome receiving that advice so that the necessary action can be taken.

Allegations nine and ten presented by GAP concern AQIS' intentions for government oversight of establishments that participate in the MSEP pilot program. AQIS responded as follows:

Question 9. GAP has cited a meeting summary prepared by the meat inspectors union of discussions to explain progress with the MSEP proposal. The context of these discussions was negotiations for a new labour agreement involving an increase in meat inspector remuneration. The discussion on MSEP was an adjunct to this main purpose. Nevertheless it is not an unreasonable reflection of what was conveyed to the union. But, it in no way contradicts my statements and undertakings given at the public hearing on 3 February.

Australia has sought an equivalency decision from the United States on the basis of retaining an inspector at the end of the slaughter line who will undertake carcase by carcase inspection of all product. This was made clear at the public hearing and remains the proposal for which Australia is seeking equivalence. No other arrangement is contemplated for US listed plants.

GAP suggests that this is breaking a prior commitment for a government slaughter floor inspector to monitor process controls and respond to breaking problems. This was not part of the proposal presented at the public hearing on 3 February. In my [Mr. Macdonald's] presentation I indicated AQIS's slaughter floor presence would be in two parts. First, the AQIS VOIC would undertake oversight and verification activities at a range of designated points in the production process. In the material presented, these points were identified and the verification frequencies quantified. Secondly, an AQIS meat inspector would undertake carcase by carcase inspection of all production after the final trim and before the final wash. Qualified company employees would perform sorting activities within the confines of this arrangement. This was all made very clear in my presentation and will be implemented precisely at trial plants.

Question 10. The reference in the AQIS/union meeting record to the removal of the final AQIS inspection point needs to be put in context. At that point in the meeting, the discussions were comparing AQIS's presence in MSEP trials at non-US listed plants and US listed plants. AQIS was asked if at some time in the future MSEP could be modified to reflect the current arrangements in non-US listed plants where there is no final carcase by carcase AQIS inspection. This outcome was recognised as a possibility. You might note that AQIS officials modified the union prepared draft to clearly indicate that this was not something which Australia would do unilaterally and would be subject to further approval from US authorities.

However, the comment is irrelevant. The commitment to carcase by carcase inspection is a fundamental feature of Australia's request for an equivalency determination from the United States. It will remain part of the Australian system for US listed plants.

FSIS notes that AQIS clearly presented the details of their MSEP proposal in the February 3 public meeting and has in no way modified them since that meeting. AQIS responded to the other issues raised in the GAP letter, as follows:

The GAP also raised two other issues. The first concerned reduction in the number of inspection staff in the Australian meat inspection program. It was suggested that this was being driven by the Australian Government's policy of full cost recovery for meat inspection services.

Inspectors have only been removed where there has been no impact on mandatory import country requirements and on food safety, which remains the fundamental imperative of the Australian meat inspection program. Due to historical reasons the AQIS meat inspection program was grossly over staffed, work practices delivered extremely poor productivity and there was institutionalised manipulation of working arrangements to maximise payments such as travel allowance, overtime and penalty payments. It is these elements that have been eliminated. All elements related to public health requirements have been continued and, indeed, reinforced where necessary. It is interesting to note that the reduction in inspector numbers has coincided with an improvement in the Australian performance at US port of entry testing. You may recall that I provided this data in my presentation at the public hearing on 3 February.

AQIS does not regard the additional costs imposed on industry by MSEP as a negative factor. MSEP requires a significant commitment by industry to quality systems and good manufacturing practice. Australian industry knows that such commitments are necessary to maintain markets in a world concerned with food safety and quality products. They are prepared to pay the price.

The extra costs are not a reason why only one plant is ready to proceed on the trial at this point in time. As I explained at the public hearing, one plant, which is not US listed, did not continue with the development of the necessary systems due to the untimely death of a young woman who was implementing MSEP at that plant. The establishment was a small family business and the young woman was an intimate family relative. Her death had far reaching implications for that company in the circumstances.

Two other plants could join the trial immediately but are also listed for the European Union where Australia has yet to achieve an equivalency determination for MSEP. Both plants remain highly committed to all of the quality systems developed for MSEP which are in place and operating except for company sorting.

The final plant delayed implementation of MSEP in the light of the delays occurring in securing an equivalency decision from the United States. Company management has informed me they will now join the trial when an equivalency decision is announced.

Finally, GAP raised the findings of a review by the European Commission of Australian export meat plants in March 1998. Australia does not accept many of the findings of the European Commission review, which did not look at food safety issues. Rather it examined Australia's conformance with European Union legislation and where this did not occur in detail drew conclusions about confidence in the Australian system. In our view there is a very large gap between the strict letter of European Union law and food safety outcomes. The former does not guarantee the latter.

At the public hearing on 3 February I invited US consumers to calibrate the judgements of the European Commission reviewer against the food safety outcomes being secured by Australia at US port-of-entry testing. I would ask you to continue to do so in any further consideration of the Australian request for equivalency.

In conclusion, there has been no manipulation of the data presented at the public hearing in Washington on 3 February. Implementation of the trial will proceed precisely as explained at that public hearing should the United States grant equivalence to our proposal.

In subsequent communications, AQIS further clarified MHA random sampling as the ''recommended'' procedure but acknowledged that ''random'' often means ''unpredictable'' rather than statistically random. It emphasized that MHA sampling is conducted by quality control personnel, and that production personnel have no prior knowledge or influence over when or how sampling occurs.

AQIS also clarified two additional issues. One is the U.S. reinspection record of the Rockdale establishment. It stated that during the period from April 1998 to March 1999, Rockdale exported 91 lots to the United States. Eighteen of these lots were identified for further reinspection while seventy-three were checked only for container integrity and labeling. As noted earlier in this notice, AQIS reports that Rockdale had no product rejected for contamination or pathology for the last 12 months.

The second additional issue concerns Australian exports to the European Union. AQIS reported that no interruptions of trade have occurred as a result of its disagreement with the EU over the March 1998 audit results. For example, AQIS reported that from January 1999 through April 1999, Australian establishments have shipped to EU countries 4,220 tonnes of beef, 7,608 tonnes of sheep and lamb, 1,177 tonnes of horse meat, and 51 tonnes of goat meat.

FSIS notes that AQIS has consistently provided immediate, comprehensive and credible responses to all questions that FSIS has raised about MSEP and to issues raised in public comments.

Finding of Equivalence

The World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary measures (commonly referred to as the ''SPS Agreement'') obliges the United States to respond to requests by other contracting parties to establish the equivalence of specified meat and poultry processing measures with those of the United States.

The Australian Government formally requested that the United States make an equivalence determination regarding its Meat Safety Enhancement Program to pilot-test a revised slaughter inspection system. FSIS has reviewed the MSEP with particular emphasis on two criteria:

(1) Does the MSEP meet all USDA requirements for the import of meat and meat products to the United States?

(2) Does the MSEP afford American consumers the same level of public health protection provided by USDA domestic slaughter inspection?

In summary, FSIS finds that the MSEP meets these criteria because MSEP will provide direct Federal oversight of Australian export establishment slaughter operations and verification that all U.S. safety and wholesomeness requirements have been met. FSIS further finds that AQIS has satisfactorily addressed the comments and concerns raised in the February 3, 1999 public meeting, the written comments presented in response to the **Federal Register** notice of January 15, 1999, and all subsequent comments.

Consequently, FSIS has determined that the AQIS MSEP program (1) meets all USDA requirements for import of meat and meat products to the United States, (2) will afford American consumers the same level of public health protection provided by USDA domestic slaughter inspection, and (3) is therefore equivalent. Accordingly, AQIS-certified establishments that participate in the MSEP field trials may ship meat and meat products to the United States.

AQIS has advised FSIS that it will soon begin MSEP implementation testing in one beef slaughter establishment and will initiate baseline data collections in others as they qualify. AQIS has pledged to share its baseline data with FSIS before the second and any subsequent establishment begins implementation testing. FSIS will provide periodic MSEP progress summaries through the *Constituent Alert.*

FSIS will review this equivalence determination when AQIS completes its MSEP field trials and prepares a report for FSIS review. FSIS will announce the results of that review in the **Federal Register**. FSIS will monitor MSEP field trials in the interim through discussions with AQIS personnel, review of establishment baseline and implementation data, periodic on-site audits, and continuous port of entry reinspection of products shipped to the United States. A copy of the FSIS monitoring plan may be obtained from Mr. Mark Manis at the address shown in **FOR FURTHER INFORMATION CONTACT** at the beginning of this notice.

Done at Washington, DC, on June 1, 1999.

Thomas Billy,

Administrator.

[FR Doc. 99–14253 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Little Boulder Harvest and Fire Restoration Project; Butte and Jefferson Ranger Districts; Little Boulder Harvest and Fire Restoration Project; Butte Field Office; Jefferson County, MT

AGENCY: Forest Service, USDA and Bureau of Land Management, USDI.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service and Bureau of Land Management (BLM) will prepare an environmental impact statement (EIS) to disclose the environmental impacts of a proposed action to manipulate forest and range vegetation on about 12,950 acres. The manipulation includes timber harvest and prescribed burning. The Forest Service will be lead agency for this EIS (40 CFR 1501.5). The purpose is to restore and maintain aspen, open Douglas-fir forests, and shrub/grass cover. The proposed action includes approximately 58 acres of regeneration harvest, 4,815 acres of commercial tree thinning (some followed by burning and some not), 7,303 acres of prescribed burning without timber harvest, and 775 acres of conifer removal around aspen clones.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than July 9, 1999.

ADDRESSES: Send written comments to Mike Paterni, Acting Forest Supervisor, Beaverhead-Deerlodge National Forest, 1820 Meadowlark, Butte, MT 59701.

FOR FURTHER INFORMATION CONTACT: Lee Harry, Environmental Analysis Team Leader, Butte Ranger District, 1820 Meadowlark, Butte, MT 59701, or phone: (406) 494–2147.

SUPPLEMENTARY INFORMATION: The Forest Service and BLM goals are to restore aspen, open-grown Douglas-fir forests, and shrub/grass vegetation. Prescribed burning would be applied on a total of 10,173 acres, both as a single treatment (7,303 acres), and following timber harvest (2,870 acres). Of the total of 4,870 acres of harvest, 2,000 acres of harvest would not be followed by underburning. Commercial thinning in lodgepole, Douglas-fir and around aspen clones would be the primary harvest technique. A small part of the harvest would be for regeneration of lodgepole pine, and one proposed unit of

regeneration harvest would exceed 40 acres.

The analysis area lies between Butte, Boulder, and Whitehall, Montana. It includes several tributaries to Boulder River. Some included tributaries are: Bison Creek; Kleinsmith Gulch; Galena Gulch; Little Galena Gulch; North Fork Little Boulder River; and Little Boulder Creek. (T4N,R5W; T5N,R4W; T5N,R5W; T5N,R6W; T6N,R4W; T6N,R5W; T6N,R6W). The project area encompasses approximately 69,000 acres.

Potential issues identified are the effects of the proposal on watershed function, visual quality, fish and wildlife, noxious weeds, and roadless character.

Public participation is important to the analysis. Part of the goal of public involvement is to identify additional issues and to refine the general, tentative issues identified above. People may visit with Forest Service and BLM officials at any time during the analysis and prior to the decision. Two periods are specifically designated for comments on the analysis: (1) During the scoping process and (2) during the draft EIS comment period.

During the scoping process, the Forest Service and BLM are seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. The agencies invite written comments and suggestions on this action, particularly in terms of identification of issues and alternative development.

Analysis of this proposed action began in an environmental assessment (EA). Public involvement for the EA started in October 1998 with a scoping letter to interested parties and legal notice in the Montana Standard. Since then, the public has participated in formulating issues and developing alternatives through responding to large mailings and attending periodic public meetings and field trips.

The Forest Service and BLM will continue to jointly involve the public and will inform interested and affected parties as to how they may participate and contribute to the final decision. Another formal opportunity for response will be provided following completion of a draft EIS.

The draft EIS should be available for the review in December, 1999. The final EIS is scheduled for completion in March, 1999.

The comment period on the draft EIS will be 60 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. It is very important that those interested in this proposed action participate by the close of the 60-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service and BLM in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The Beaverhead-Deerlodge Forest Supervisor and the Butte Field Manager are the responsible officials who will make the decision. They will decide on this proposal after considering comments and responses, environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: June 1, 1999.

Mike Paterni,

Acting Forest Supervisor, Beaverhead-Deerlodge National Forest.

Dated: June 1, 1999.

Merle Good,

Field Manager, BLM Butte Field Office.

[FR Doc. 99–14296 Filed 6–4–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

President's Export Council Subcommittee on Export Administration; Notice of Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration (PECSEA) will be held June 23, 1999, 9:00 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 4832, 14th Street between Pennsylvania and Constitution Avenues, N.W., Washington, D.C. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Public Session

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Update on Administration export control initiatives.

4. Task Force reports.

Closed Session

5. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting is open to the public and a limited number of seats will be available. Reservations are not required. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to the address listed below: Ms. Lee Ann Carpenter, Advisory Committees MS: 3876, Bureau of Export Administration, 15th St. & Pennsylvania Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

A Notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522 (c)(1) was approved October 16, 1997, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. For further information, contact Ms. Lee Ann Carpenter on (202) 482–2583.

Dated: June 1, 1999.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 99–14315 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

International Trade Administration

May 1999 Sunset Reviews: Final Results and Revocation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of sunset review and revocation of countervailing duty order: welded carbon steel line pipe from turkey (C–489–502).

SUMMARY: On May 3, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the countervailing duty order on welded carbon steel line pipe from Turkey. Because no domestic party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking this order.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Jason M. Appelbaum or Melissa G. Skinner, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department issued a countervailing duty order on welded carbon steel line pipe from Turkey (51 FR 7984, March 7, 1986). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department initiated a sunset review of this order by publishing notice of the initiation in the **Federal Register** (64 FR 23596, May 3, 1999). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for this proceeding to inform them of the automatic initiation of a sunset review on this order.

No domestic interested parties in the sunset review of this order responded to the notice of initiation by the May 18, 1999, deadline (see section 351.218(d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13520 (March 20, 1998) (''*Sunset Regulations*'')).

Determination To Revoke

Pursuant to section 751(c)(3)(A) of the Act and section 351.218(d)(1)(iii)(B)(3) of the *Sunset Regulations*, if no domestic interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the finding or order or terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline, May 18, 1999, we are revoking this countervailing duty order.

Effective Date of Revocation and Termination

Pursuant to section 751(c)(6)(A)(iv) of the Act, the Department will instruct the United States Customs Service to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after January 1, 2000. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and countervailing duty deposit requirements. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: June 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–14342 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–506, A–583–508, A–580–601, C–580–602, A–583–603, C–583–604, A–337–602, C–337–601, A–201–601, A–331–602, A–351–603, C–351–604, A–580–603, A–427–602, C–427–603, A–428–602, A–475–601, A–401–601, A–588–704, C–333–601]

Porcelain-on-Steel Cooking Ware From the People's Republic of China, Porcelain-on-Steel Cooking Ware From Taiwan, Top-of-the-Stove Stainless Steel Cooking Ware From Korea (South) (AD & CVD), Top-of-the-Stove Stainless Steel Cooking Ware From Taiwan (AD & CVD), Standard Carnations From Chile (AD & CVD), Fresh Cut Flowers From Mexico, Fresh Cut Flowers From Ecuador, Brass Sheet and Strip From Brazil (AD & CVD), Brass Sheet and Strip From Korea (South), Brass Sheet and Strip From France (AD & CVD), Brass Sheet and Strip From Germany, Brass Sheet and Strip From Italy, Brass Sheet and Strip From Sweden, Brass Sheet and Strip From Japan, Pompon Chrysanthemums From Peru: Extension of Time Limit for Final Results of Five-Year Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for final results of five-year (''Sunset'') reviews.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the final results of the sunset reviews on the antidumping duty orders on porcelain-on-steel cooking ware from the People's Republic of China, porcelain-on-steel cooking ware from Taiwan, top-of-the-stove stainless steel cooking ware from Korea (South), top-of-the-stove stainless steel cooking ware from Taiwan, standard carnations from Chile, fresh cut flowers from Mexico, fresh cut flowers from Ecuador, brass sheet and strip from Brazil, brass sheet and strip from Korea (South), brass sheet and strip from France, brass sheet and strip from Germany, brass sheet and strip from Italy, brass sheet and strip from Sweden, and brass sheet and strip from Japan, and the countervailing duty orders on top-of-the-stove stainless steel cooking ware from Korea (South), top-of-the-stove stainless steel cooking ware from Taiwan, standard carnations from Chile, brass sheet and strip from Brazil, brass sheet and strip from France, and pompon chrysanthemums from Peru. Based on adequate responses from

domestic interested parties and inadequate responses from respondent interested parties, the Department is conducting expedited sunset reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy. As a result of this extension, the Department intends to issue its final results not later than August 30, 1999.

EFFECTIVE DATE: June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith, Martha V. Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230; telephone: (202) 482–6397, (202) 482–3207 or (202) 482–1560 respectively.

Extension of Final Results

The Department has determined that the sunset reviews of the antidumping duty orders on porcelain-on-steel cooking ware from the People's Republic of China, porcelain-on-steel cooking ware from Taiwan, top-of-the-stove stainless steel cooking ware from Korea (South), top-of-the-stove stainless steel cooking ware from Taiwan, standard carnations from Chile, fresh cut flowers from Mexico, fresh cut flowers from Ecuador, brass sheet and strip from Brazil, brass sheet and strip from Korea (South), brass sheet and strip from France, brass sheet and strip from Germany, brass sheet and strip from Italy, brass sheet and strip from Sweden, and brass sheet and strip from Japan, and the countervailing duty orders on top-of-the-stove stainless steel cooking ware from Korea (South), top-of-the-stove stainless steel cooking ware from Taiwan, standard carnations from Chile, brass sheet and strip from Brazil, brass sheet and strip from France, and pompon chrysanthemums from Peru are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended (''the Act''), the Department may treat a review as extraordinarily complicated if it is a review of a transition order (i.e., an order in effect on January 1, 1995). See section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the final results of these reviews until not later than August 30, 1999, in accordance with section 751(c)(5)(B) of the Act.

Dated: June 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–14339 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–810]

Chrome-Plated Lug Nuts from Taiwan; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Extension of time limit for preliminary results of antidumping duty administrative review of chrome-plated lug nuts from Taiwan.

SUMMARY: The Department of Commerce (the Department) is extending by 120 days the time limit for the preliminary results of the seventh antidumping duty administrative review of the antidumping order on chrome-plated lug nuts from Taiwan, since it is not practicable to complete this review within the time limits mandated by the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1675 (a)(3)(A)). This review covers 17 producers and exporters of chrome-plated lug nuts from Taiwan and the period of review is September 1, 1997 through August 31, 1998.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Futtner or Nova Daly, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3814 or (202) 482–0989, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's regulations are to the current regulations as codified at 19 CFR 351 (1998).

Background

On October 29, 1998 (63 FR 58009), the Department initiated an administrative review of the antidumping duty order on chrome-plated lug nuts from Taiwan, covering the period September 1, 1997 through August 31, 1998. In our notice of initiation, we stated our intention to issue the final results of these reviews no later than September 30, 1999. Due to the complexity and novelty of certain issues in this case, the Department has determined that it is not practicable to complete this review within the statutory time limit mandated by the Act.

Postponement of Preliminary Results of Review

Section 751 (a)(3)(A) of the Act requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act and § 351.213(h)(2) of the Department's regulations allows the Department to extend this time period to a maximum of 365 days and 180 days, respectively. Due to the 120 day extension, the Department, therefore, is extending the time limit for the preliminary results of the aforementioned review from June 2, 1999 to September 30, 1999. The deadline for issuing the final results of this review will be not later than 120 days from the publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675 (a)(3)(A)).

Dated: May 25, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary for Group II, AD/CVD Enforcement.

[FR Doc. 99–14233 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Recission of Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from the petitioners, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain circular welded steel pipes and tubes

from Taiwan. The review covers four manufacturers/exporters of the subject merchandise to the United States and the period May 1, 1997 through April 30, 1998. We preliminarily determine that Yun Din Steel Co. Ltd., Yieh Loong Co., Ltd., Kao Hsing Chang Iron & Steel Corporation , and Yieh Hsing Enterprise Co. Ltd. sold subject merchandise below normal value during the period of review. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes).

EFFECTIVE DATE: June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Odenyo or Thomas Killiam, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–5254/3019.

Applicable Statute: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1998).

SUPPLEMENTARY INFORMATION:

Background

On May 29, 1998, the petitioners, Allied Tube & Conduit Corp., Wheatland Tube Company, Sawhill Tubular Division of Armco Inc., and Laclede Steel Co., filed a request for review of seven Taiwanese companies: Yieh Hsing Enterprise Co., Ltd. (Yieh Hsing), Kao Hsing Chang Iron & Steel Corporation (KHC), Yun Din Steel Co. Ltd. (Yun Din), Yieh Loong Co., Ltd. (Yieh Loong), Far East Machinery Co., Ltd. (FEMCO), Sheng Yu Steel Co., Ltd. (Sheng Yu, formerly An Mau Steel Co., Ltd.), and Tai Feng Industries. We initiated the review on June 29, 1998 (63 FR 35188).

In response to our requests for information, FEMCO and Sheng Yu reported that they had no sales or shipments of subject merchandise during the period of review (POR). On inquiry by the Department, Customs did not report any shipments by either company during the POR. Accordingly, we are rescinding the review with respect to FEMCO and Sheng Yu. Tai Feng Industries ceased operations in November 1983. *See* Circular Welded Carbon Steel Pipes and Tubes from Taiwan; Final Results of Administrative Review of Antidumping Duty Order (51 FR 234, December 5, 1986). Accordingly, we are rescinding the review with respect to Tai Feng. Yun Din and Yieh Loong did not respond to our requests for information and are discussed below in ''Facts Available.''

On September 23, 1998, the petitioners alleged that Yieh Hsing and KHC made home market sales below the cost of production (COP) during the POR. The Department found that the petitioners' allegation constituted a reasonable basis to believe or suspect that KHC and Yieh Hsing made sales in the home market below COP. Accordingly, in accordance with section 773(b) of the Act, on October 6, 1998, the Department initiated an investigation of sales below cost.

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On December 30, 1998, the Department extended the time limit for the preliminary results to May 28, 1999. *See* Extension of Time Limits for Antidumping Duty Administrative Review (64 FR 860, January 6, 1999).

Scope of the Review

Imports covered by this review are shipments of certain circular welded carbon steel pipes and tubes. The Department defines such merchandise as welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch and 0.375 inch or more but not over 4½ inches in outside diameter. These products are commonly referred to in the industry as ''standard pipe'' and are produced to various American Society for Testing Materials specifications, most notably A–53, A–120, or A–135. Standard pipe is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

The review covers the period May 1, 1997 through April 30, 1998. The Department is conducting this review in accordance with section 751 of the Act.

Facts Available

In accordance with section 776(a)(2)(A) of the Act, we determine that the use of facts available is the appropriate basis for dumping margins for Yun Din and Yieh Loong. The Department issued questionnaires to Yun Din and Yieh Loong on June 10, 1998. Our questionnaires established the Section A deadline as July 28, 1998, and the Sections B through E deadline as August 21, 1998. On September 16, 1998, after receiving no response from Yun Din and Yieh Loong, we forwarded an additional letter to both companies, indicating that if we did not receive a complete response to our questionnaire by October 1, 1998, we would proceed with appraisements based upon facts available. To date, we have not received a response from Yieh Loong. On March 2, 1999, we received a letter from Yu Din, in which the company expressed its intent to submit a response to our questionnaire. On March 3, 1999, we responded to the letter by informing Yu Din that the Department's administrative reviews are controlled by statutory deadlines which prevent the Department from accepting a response to our questionnaire at such an extreme date past our established deadlines.

Section 776(b) of the Act provides that adverse inferences may be used with respect to a party that has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See* Statement of Administrative Action accompanying the URAA, H.R. Rep. No. 316, 103rd Cong., 2d Sess. 870 (SAA). The failure of Yun Din and Yieh Loong to reply to the Department's questionnaire in a timely manner demonstrates that they failed to act to the best of their ability in this review and, therefore, an adverse inference is warranted.

As adverse facts available for Yun Din and Yieh Loong, we have used the highest rate for any respondent in any segment of this proceeding. This is an appropriate adverse rate because, but for the application of the highest rate in this case, uncooperative respondents would have no incentive to cooperate in future proceedings. Thus, we are applying the rate of 14.08 percent, the highest rate for any respondent in this review.

Fair Value Comparisons

To determine whether sales of subject merchandise in the United States were made at less than fair value, we compared export price (EP) to the normal value (NV), as described in the ''Export Price'' and ''Normal Value''

sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Export Price

The Department treated Yieh Hsing's and KHC's sales to the United States as EP sales, as defined in section 772(a) of the Act, because the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation and the constructed export price methodology was not warranted by the facts of the record. We based EP on the delivered, packed prices to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, foreign brokerage charges, and ocean freight in accordance with section 772(c) of the Act.

Normal Value

In order to determine whether there were sufficient sales of certain circular welded carbon steel pipes and tubes in the home market (HM) to serve as a viable basis for calculating NV, we compared the volume of home market sales of subject merchandise to the volume of subject merchandise sold in the United States, in accordance with section 773(a)(1)(C) of the Act. Yieh Hsing's and KHC's respective aggregate volumes of HM sales of the foreign like product were greater than five percent of their respective aggregate volumes of U.S. sales of the subject merchandise. Therefore, we have based NV on HM sales. In accordance with section 773(a)(6) of the Act, we adjusted NV, where appropriate, by deducting home market packing expenses and adding U.S. packing expenses. We also made deductions from NV for HM inland freight, warranty expenses, early payment discounts, and other discounts. Finally, we made an adjustment to NV for differences in credit expenses, pursuant to section 773(a)(6)(C) of the Act.

Sales Below Cost Investigation

In accordance with section 773(b)(1) of the Act, in determining whether to disregard home market sales made at prices below COP, we examined whether such sales were made within an extended period of time in substantial quantities, and whether such sales were made at prices which would permit recovery of all costs within a reasonable period of time. Because KHC failed to provide any costs for certain models, as facts available we used the highest average cost for the same category of product.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that model because these below-cost sales were not made in substantial quantities. We found that, for certain models, 20 percent or more of the home market sales were sold at below-cost prices. Where 20 percent or more of a respondent's home market sales of a given model were at prices less than the COP, we disregarded the below-cost sales because such sales were found to be made (1) in substantial quantities within an extended period of time and (2) at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act) (*i.e.*, the sales were made at prices below the weighted-average per unit COP for the POR). We used the remaining above-cost sales as the basis of determining NV if such sales existed, in accordance with section 773(b)(1).

Constructed Value

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, and general expenses. In accordance with section 773(e)(2)(A) of the Act, we based selling, general, and administrative (SG&A) expenses and profit on the amounts incurred and realized by KHC or Yieh Hsing in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the home market. For selling expenses, we used the weighted-average HM selling expenses. Pursuant to section 773(e)(3) of the Act, we included U.S. packing. Because KHC failed to provide any constructed value data for certain models, as facts available we used the highest average cost for the same category of product.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transactions. The NV LOT is that of the starting price sale in the comparison market or, when NV is based on CV, that of the sale from which we derive SG&A expenses and profit. For EP the U.S. LOT is also the level of the starting price sale, which is usually from the exporter to the importer. For CEP it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transactions, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP affects price comparability, we adjust NV under section 773(A)(7)(B) of the Act (the CEP offset provision). (*See, e.g.*, Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value, 62 FR 61731 (November 19, 1997).)

In implementing these principles in this review, we asked the respondents to identify the specific differences and similarities in selling functions and/or support services between all phases of marketing in the home market and the United States.

Yieh Hsing provided information with respect to its selling activities associated with home market sales. Yieh Hsing offers each of its three classes of customers (distributors, retailers, and end-users) the same degree of nominal sales support, such as the opportunity to either purchase merchandise out of inventory or have it made to order. Yieh Hsing did not conduct advertising or inventory maintenance in the home market; however, it provided general technical advice and sale-specific warranty services to all its home market customers. We determine that there is no difference in selling functions between Yieh Hsing's three classes of HM customers. We therefore determine that Yieh Hsing sells to one level of trade in the home market.

Yieh Hsing similarly provided information with respect to the selling functions associated with its U.S. sales. Yieh Hsing's customers in the U.S. market consisted only of distributors, to whom it provided freight and delivery arrangements. Yieh Hsing provided no other services, such as inventory maintenance, technical advice, warranty services, or advertising, to its U.S. customers.

For home market sales, but not U.S. sales, Yieh Hsing provided general technical advice and sale-specific warranty services. Otherwise, the levels of customer assistance and sales support which Yieh Hsing provided its home

market and U.S. customers were not significantly different, and Yieh Hsing did not claim a LOT adjustment. Based upon the foregoing, we determine that Yieh Hsing sold at the same LOT in the U.S. market as it did in the home market, and consequently no LOT adjustment is warranted.

KHC provided information with respect to the selling activities associated with its home market sales. We determine that there is no significant difference in selling functions between KHC's two classes of HM customers (distributor and end-users). KHC generally provided distributors with more services (such as sales allowance discounts, quantity and early payment discounts, technical service and warranty expenses); however the degree to which it provided such services for distributors but not for end-users was not sufficiently documented for us to distinguish different levels of trade.

KHC similarly provided information with respect to selling functions associated with its U.S. sales. KHC had only one customer (a trading company) in the U.S. market during the POR, and its selling functions for that customer did not vary. Therefore, we determine that KHC sold at one level of trade in the U.S. market.

The levels of customer assistance and sales support provided by KHC for its home market and U.S. sales were not significantly different. KHC did not claim a LOT adjustment for U.S. sales, and the LOT information provided by KHC indicates that there was one LOT in the U.S. and home markets.

Sales Comparisons

To determine whether sales of certain circular welded carbon steel pipes and tubes in the United States were made at less than NV, we compared EP to the NV, as described in the ''United States Price'' and ''Normal Value'' sections of this notice. In accordance with section 777(A) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade, based on the information provided by Yieh Hsing and KHC in response to our antidumping questionnaire.

Preliminary Results of Review

We preliminarily determine that the following margins exist for the period May 1, 1997 through April 31, 1998:

Manufacturer/exporter	Period	Margin (percent)
Yieh Hsing	5/1/97—4/30/98	6.42
KHC	5/1/97—4/30/98	14.08
Yun Din	5/1/97—4/30/98	14.08
Yieh Loong	5/1/97—4/30/98	14.08

Interested parties may request a hearing not later than 30 days after publication of this notice. Interested parties may also submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing case briefs. Parties who submit arguments are requested to submit with each argument a statement of the issue and a brief summary of the argument. All memoranda to which we refer in this notice can be found in the public reading room, located in the Central Records Unit, room B–009 of the main Department of Commerce building. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish the final results of this administrative review, including a discussion of its analysis of issues raised in any case or rebuttal brief or at a hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Upon completion of the final results in this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212 (b), we have calculated an importer/customer-specific assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the quantity of those same sales. This Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of certain circular welded carbon steel pipes and tubes from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this administrative review, except that no cash deposit will be required if the rate is *de minimis, i.e.,* less than 0.50 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 9.7%, the ''all others'' rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.401(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: May 28, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–14337 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–503][A–122–503][A–570–502]

Final Results of Expedited Sunset Reviews: Certain Iron Construction Castings From Brazil, Canada and The People's Republic of China

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce

ACTION: Notice of Final Results of Expedited Sunset Reviews: Certain Iron Construction Castings from Brazil, Canada, and The People's Republic of China.

SUMMARY: On November 2, 1998, the U.S. Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty orders on certain iron construction castings from Brazil, Canada and the People's Republic of China (''the PRC'') (63 FR 58709) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the bases of notices of intent to participate and substantive responses filed on behalf of the domestic industry, and inadequate responses (in these cases, no responses) from respondent interested parties, the Department determined to conduct an expedited review. As a result of these reviews, the Department finds that revocation of the antidumping orders would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, D.C. 20230; telephone (202) 482–3207 or (202) 482–1560, respectively.

EFFECTIVE DATE: June 7, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''Sunset Regulations''). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

Brazil—merchandise covered by the order on Brazil consists of certain iron construction castings. Heavy castings are limited to manhole covers, rings, and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems. Light castings are limited to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. ''Heavy'' castings are classifiable under Harmonized Tariff Schedule (''HTS'') item number 7325.10.0010, and ''light'' castings are classified under HTS item number 7325.10.0050. On April 28, 1995, the Department determined, in response to a request from Southland Marketing, Inc., that the Polycast 700 Series frame, part number DG0700, and grate, part number DG0641, are not within the scope of the antidumping duty order on iron construction castings from Brazil (*see Notice of Scope Rulings,* 60 FR 36782, (July 18, 1995).

Canada—merchandise covered by the order on Canada consists of certain iron construction castings. Heavy castings are limited to manhole covers, rings, and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems. ''Heavy'' castings are classifiable under Harmonized Tariff Schedule (''HTS'') item number 7325.10.0010. These articles must be of cast iron, not alloyed, and not malleable. On September 23, 1998, the Department issued the final results of a changed circumstance review, in which the Department revoked the order with respect to ''light'' castings.[1]

PRC—merchandise covered by the order on the PRC consists of certain iron construction castings. Heavy castings are limited to manhole covers, rings, and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems. Light castings are limited to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. ''Heavy'' castings are classifiable under Harmonized Tariff Schedule (''HTS'') item number 7325.10.0010, and ''light'' castings are classified under HTS item number 7325.10.0050. In response to a request from Jack's International Trading Associates, Ltd., on August 28, 1995, the Department determined that certain cast iron, floor area drains are outside the scope of the order. *See Notice of Scope Rulings,* 60 FR 54213 (October 20, 1995). Further, in response to a request from The Metraflex Company, on August 13, 1997, the Department determined that ''Y'' pipe strainers are outside the scope of the of the order (*see Notice of Scope Rulings,* 62 FR 62288 (November 21, 1997)).

The HTS item numbers are provided for convenience and Customs purposes. The written product description remains dispositive.

These reviews cover all manufacturers and exporters of certain iron construction castings from Brazil, Canada and the PRC.

Background

On November 2, 1998, the Department initiated sunset reviews of the antidumping orders on certain iron construction castings from Brazil, Canada and the PRC (63 FR 58709) pursuant to section 751(c) of the Act. On November 17, 1998, we received Notices of Intent to Participate on behalf of the Municipal Castings Fair Trade Council (''MCFTC'') and its individual members[2] (collectively, the ''domestic parties''), within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. We received complete substantive responses on behalf of the domestic parties on December 2, 1998, within the 30-day deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations*. The individual members of the MCFTC claimed interested party status pursuant to section 771(9)(C) of the Act, as U.S. domestic producers of certain iron construction castings. MCFTC claimed interested party status as a trade association representing the domestic industry pursuant to section 771(9)(E) of the Act.

[1] *See Iron Construction Castings From Canada: Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order: Correction,* 63 FR 50881 (September 23, 1998).

[2] The MCFTC is comprised of Allegheny Foundry Company, Bingham & Taylor, Deeter Foundry Inc., East Jordan Iron Works, Inc., LeBaron Foundry, Inc., Municipal Castings, Inc., Neenah Foundry Company, Tyler Pipe, and U.S. Foundry & Manufacturing Co. Bingham & Taylor and Tyler Pipe are manufacturers only of so-called ''light castings'' and, thus, are not interested parties in the review of the Canada order which covers only ''heavy castings.''

We did not receive a substantive response from any respondent interested party in any of these reviews. Therefore, pursuant to section 19 C.F.R § 351.218(e)(1)(ii)(C) of the *Sunset Regulations*, we determined to conduct expedited sunset reviews of these orders.

The Department determined that the sunset reviews of the antidumping duty orders on certain iron construction castings from Brazil, Canada, and the PRC are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). *See* section 751(c)(6)(C) of the Act. Therefore, on March 2, 1999, the Department extended the time limit for completion of the final results of these reviews until not later than June 1, 1999, in accordance with section 751(c)(5)(B) of the Act.[3]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether revocation of the antidumping orders would be likely to lead to continuation or recurrence of dumping. Section 752(c)(1) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping order. Pursuant to section 752(c)(3) of the Act, the Department shall provide to the International Trade Commission (''the Commission'') the magnitude of the margin of dumping likely to prevail if the orders are revoked.

The Department's determinations concerning continuation or recurrence of dumping and magnitude of the margin are discussed below. In addition, the domestic parties' comments with respect to the continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicated that determinations of likelihood will be made on an order-wide basis (*see* section II.A.2. of the *Sunset Policy Bulletin*). Furthermore, the Department indicated that normally it will determine that revocation of an antidumping order is likely to lead to continuation or recurrence of dumping when (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (*see* section II.A.3. of the *Sunset Policy Bulletin*).

In addition to considering the guidance on likelihood determinations cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of dumping when a respondent interested party waives its participation in the sunset review. In these reviews, the Department did not receive a response from any respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

The Department issued antidumping duty orders on certain iron construction castings from Brazil,[4] Canada,[5] and the PRC[6] in 1986. Since that time the Department has conducted several administrative reviews of each of these orders.[7] The antidumping duty orders remain in effect for all producers/exporters of certain iron construction castings from Brazil, Canada and the PRC.

In their substantive responses, the domestic parties argue that the respondents have reduced their sales to the United States dramatically and, thus, if the orders were revoked, it is likely that dumping would continue because the evidence demonstrates that the foreign producers/exporters need to dump to sell in any significant quantities in the United States. Specifically, the domestic parties argue that volume and value data on imports of heavy castings demonstrates that once the orders were imposed, imports began to decline. The domestic parties note that imports of heavy castings from Brazil fell from over 10 million pounds in 1986 to just over 5 million pounds in 1987, the first full year after the order, and dropped each year thereafter until reaching zero in 1991 and 1992. Although imports subsequently resumed, they have not gone over 294,000 pounds in any year. The domestic parties note that imports from Canada followed a similar, albeit less dramatic pattern, dropping from a pre-order high of over 20 million pounds, down to just over six million pounds in 1992. The domestic parties state that, although imports have since increased, they have not reached their pre-order level. With respect to imports of heavy castings from the PRC, the domestic

[3] *See Iron Construction Castings From Canada, Brazil and the People's Republic of China: Extension of Time Limit for Final Results of Five-Year Review*, 64 FR 10985 (March 8, 1999).

[4] *See Antidumping Duty Order; Iron Construction Castings From Brazil*, 51 FR 17200 (May 9, 1986).

[5] *See Antidumping Duty Order; Iron Construction Castings From Canada*, 51 FR 7600 (March 5, 1986) and *Iron Construction Castings From Canada; Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order*, 51 FR 34110 (September 25, 1986).

[6] *See Antidumping Duty Order; Iron Construction Castings From the People's Republic of China (the PRC)*, 51 FR 17222 (May 9, 1986).

[7] *See Certain Iron Construction Castings from Brazil; Final Determination of Sales at Less Than Fair Value*, 51 FR 9477, (March 19, 1986); *Certain Iron Construction Castings from Brazil; Final Results of Antidumping Duty Administrative Review*, 55 FR 26238, (June 27, 1990) corrected, 55 FR 41262 (October 10, 1990) and *Certain Iron Construction Castings from Brazil; Final Results of Antidumping Duty Administrative Review*, 55 FR 43019 (October 25, 1990). See *Certain Iron Construction Castings from Canada: Final Determination of Sales at Less Than Fair Value*, 51 FR 2412 (January 16, 1986); *Certain Iron Construction Castings from Canada: Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order*, 51 FR 34110 (September 25, 1986); *Certain Iron Construction Castings from Canada; Final Results of Antidumping Duty Administrative Review;* 55 FR 460 (January 5, 1990); *Certain Iron Construction Castings from Canada; Final Results of Antidumping Duty Administrative Review*, 56 FR 23274 (May 21, 1991); *Certain Iron Construction Castings from Canada; Final Results of Antidumping Administrative Review*, 59 FR 25603 (May 17, 1994); *Certain Iron Construction Castings from Canada; Final Results of Antidumping Administrative Review*, 60 FR 9009 (February 16, 1995); *Certain Iron Construction Castings from Canada; Intent to revoke antidumping duty order*, 62 FR 9735 (March 4, 1997), *Certain Iron Construction Castings from Canada; Determination Not to Revoke Antidumping Duty Order*, 62 FR 23432 (April 30, 1997); *Certain Iron Construction Castings from Canada; Notice of Rescission of Antidumping Duty Administrative Review*, 63 FR 45797 (August 27, 1998); *Certain Iron Construction Castings from Canada: Notice of Sales at Less Than Fair Value*, 51 FR 9483 (March 19, 1986). *See Certain Iron Construction Castings from the People's Republic of China*, 56 FR 2742 (January 24, 1991). *See Certain Iron Construction Castings from The People's Republic of China, Final Results of Antidumping Duty Administrative Review*, 57 FR 10644 (March 27, 1992; and *Certain Iron Construction Castings from The People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 60 FR 51454 (October 2, 1995).

parties state that imports did not decrease immediately after the issuance of the order. The domestic parties argue that this is presumably because the 11.66 percent rate from the original investigation was an insufficient deterrent to importers. The statistics provided by the domestic parties demonstrate that imports of heavy castings from the PRC increased each year through 1989, and did not begin to decrease significantly until 1991. The domestic parties point out that the higher margins from the final results of the 87–88 and 88–89 administrative reviews were issued in January 1991.

With respect to imports of light castings, the domestic parties state that because light castings enter the United States under a so-called ''basket'' category, they do not have firm data on import for this merchandise. They assert, however, based on day-to-day observation of conditions of competition in the marketplace, that imports have dwindled and there is little evidence of either Brazilian or Chinese import offerings of these items and a much-reduced presence of imports from Canada.

With respect to whether dumping continued at any levels above *de minimis* after the issuance of these orders, the domestic parties note that dumping margins above *de minimis* were found in the original investigations and in each subsequent administrative review conducted by the Department.

Citing to the SAA, the domestic parties argue that the declining import volumes from all three countries, in addition to reflecting the existence of dumping margins after the orders went into effect, is highly probative of the likelihood of continuation or recurrence of dumping if these orders were revoked. The domestic parties conclude that the Department should assume that exporters of the subject castings from Brazil, Canada and the PRC cannot sell their goods in the U.S. market without dumping and, therefore, they would have to continue or resume dumping if they want to reenter the U.S. market at any reasonable commercial volumes.

As discussed in section II.A.3. of the *Sunset Policy Bulletin,* the SAA at 890, and the House Report at 63–64, ''[E]xistence of dumping margins after the order, or cessation of imports after the order, is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.'' As the domestic parties noted, dumping margins above *de minimis* were found to exist in each of the administrative reviews conducted by the Department of these orders. Further, deposit rates above *de minimis* continue in effect for imports of castings from Brazil, Canada, and the PRC. Therefore, given that dumping margins above *de minimis* were found to exist and continue in effect, respondent interested parties waived their right to participate in these reviews, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue if the orders were revoked.

Magnitude of the Margin

In the *Sunset Policy Bulletin,* the Department stated that it will normally provide to the Commission the margin that was determined in the final determination in the original investigation. Further, for companies not specifically investigated, or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the ''all others'' rate from the investigation. (*See* section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy permit the use of a more recently calculated margin, when appropriate, and consideration of duty absorption determinations. (*See* sections II.B.2 and 3 of the *Sunset Policy Bulletin*.)

With respect to the magnitude of the margin likely to prevail if the antidumping duty orders were revoked, the domestic parties argue that application of the principles set forth in the SAA and the *Sunset Policy Bulletin* support the conclusion that the Department should rely on the margins from the original investigations on Brazil and Canada. The domestic parties suggest that with respect to the PRC, the Department should select a more recently calculated margin consistent with section II.B.2. of the *Sunset Policy Bulletin*. The domestic parties base this assertion on the fact that, as a result of final results of administrative reviews issued in 1991, the antidumping duty rates increased to almost 25 percent and 46 percent. Further, it was in 1991 that imports from the PRC began to decrease. In conclusion, the domestic parties state that the rate of 24.21 percent may be most appropriate to provide to the Commission, as that is the rate likely to be closest to the rate that ultimately may be applied to castings from the PRC at the conclusion of the pending litigation concerning the 1998–89 and 1989–90 review periods.

The Department agrees with the domestic parties as to the magnitude of the margin likely to prevail were the orders on Brazil and Canada revoked. An examination of the margin history of the orders as well as an examination of the import statistics provided by the domestic parties confirms that dumping continued after the issuance of the orders and imports of the subject merchandise continue. Therefore, in accordance with the *Sunset Policy Bulletin* and absent an argument that a more recently calculated margin is more indicative of the margin likely to prevail if the orders on Brazil and Canada were revoked, we determine that the margins calculated in the Department's original investigation are probative of the behavior of Brazilian and Canadian producers and exporters of certain iron construction castings.

We agree with the domestic parties with regard to the use of a more recently calculated rate with respect to the PRC. According to the *Sunset Policy Bulletin*, ''a company may choose to increase dumping in order to maintain or increase market share. As a result, increasing margins may be more representative of a company's behavior in the absence of an order'' (*see* section II.B.2 of the *Sunset Policy Bulletin*). In addition, the *Sunset Policy Bulletin* notes that the Department will normally consider market share; however, absent information on relative market share, and absent argument or evidence to the contrary, we have relied on import volumes in the review on certain iron construction castings from the PRC. The import statistics related to imports of heavy castings provided by the domestic parties demonstrate that imports (on a volume basis) from the PRC increased every year between 1986 and 1989. The import level in 1990 decreased slightly from imports in 1989. After the issuance in January 1991, of the final results of reviews covering May 1, 1987 through April 30, 1988 and May 1, 1988 through April 30, 1989, imports from the PRC declined precipitously. During the periods when imports were increasing, the Department found increasing dumping margins (24.21% in 1987, 45.92% in 1988, and 92.74% in 1989). In light of the correlation between the increase in imports and the increase in the dumping margin, the Department finds that a more recently calculated rate is the most probative of the behavior of Chinese producers/exporters of certain iron construction castings. Because imports continued to increase through calendar year 1989, and there was only a minor decrease in imports in the following year, we determine that the dumping margin applicable to the review of imports during the period May 1, 1989 through April 30, 1990, is

probative of the behavior of Chinese producers and exporters of castings absent the discipline of the order.

Pursuant to Section 752(c) of the Act, the Department will report to the Commission the company-specific and ''all others'' rates at the levels indicated in the Final Results of Review section of this notice.

Final Results of Review

As a result of these reviews, the Department finds that revocation of the antidumping order would be likely to lead to continuation or recurrence of dumping at the margins listed below:

Manufacturers/exporters	Margin (percent)
Brazil:	
Fundicao Aldebara, Ltda. (ALDEBARA)	58.74
Sociedade de Metalurgia E Processos, Ltda. (SOMEP)	16.61
Companhia Siderurgica da Guanabara (COSIGUA) formerly Usina Siderurgica Paraense, S.A. (USIPA)	5.95
All others	26.16
Canada:	
Bibby Ste. Croix Foundries, Inc	8.60
LaPerle Foundry, Ltd	4.40
Mueller Canada, Inc	9.80
All Others	7.50
China:	
All manufacturers/exporters	92.74

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: June 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–14338 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–504]

Final Results of Expedited Sunset Review: Heavy Iron Construction Castings From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Expedited Sunset Review: Heavy Iron Construction Castings from Brazil.

SUMMARY: On November 2, 1998, the Department of Commerce (''the Department'') initiated a sunset review of the countervailing duty order on heavy iron construction castings from Brazil (63 FR 58709) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and substantive comments filed on behalf of the domestic industry, as well as inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited (120 day) review. As a result of this review, the Department finds that termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the ''Final Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Jason M. Appelbaum or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: June 7, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

The merchandise covered by this review are shipments of certain heavy iron construction castings from Brazil. This merchandise is defined as manhole covers, rings and frames; catch basin grates and frames; and cleanout covers and frames. The DGO700 frame and the DG0641 grate from Southland Marketing are outside the scope of the order. This merchandise is currently classifiable under item number 7325.10.00 of the Harmonized Tariff Schedule (''HTS'') of the United States. The HTS item number is provided for convenience and customs purposes only. The written description remains dispositive.

History of the Order

On March 19, 1986, the Department issued a final affirmative countervailing duty determination with respect to imports of certain heavy iron construction castings from Brazil.[1] The countervailing duty order on heavy iron construction castings from Brazil was published in the **Federal Register** on May 15, 1986 (51 FR 17786). In the final determination the Department found an estimated net subsidy of 5.77 percent *ad valorem* during the review period based on three programs: 2.85 percent under the preferential working-capital financing for exports program; 1.86

[1] *See Final Affirmative Countervailing Duty Determination; Certain Heavy Iron Construction Castings From Brazil,* 51 FR 9491 (March 19, 1986).

percent under the income tax exemption for export earnings program; and 1.06 percent under the FINEX export financing program. However, the cash deposit rate was adjusted to take into account program-wide changes in the preferential working capital financing for exports program, which reduced the program-specific subsidy from 2.85 percent to 0.48 percent. On May 15, 1986, the Department issued a countervailing duty order establishing the cash deposit rate at 3.40 percent *ad valorem*.[2]

Since the issuance of the order, the Department has conducted one administrative review covering the period January 1, 1990 through December 31, 1990, six programs, and the three companies that produced and exported the subject merchandise to the United States.[3] In the final results of administrative review, the Department determined the benefit from the income tax reduction for export earnings program was 0.33 percent. However, the Department also found that Decree Law 8034 of April 12, 1990 eliminated this tax reduction and, therefore, for purposes of cash deposits of estimated countervailing duties, the Department determined the benefit from this program to be zero. The Department also found that the CACEX preferential working capital financing for exports program has been terminated effective August 30, 1990, by Central Bank Resolution 1744. Finally, the Department found that the FINEX export financing program was not used by respondents during the period of review. The three other programs reviewed by the Department were either not used or eliminated.

This review covers all producers and exporters of heavy iron construction castings from Brazil.

Background

On November 2, 1998, the Department initiated a sunset review of the countervailing duty order on heavy iron construction castings from Brazil (63 FR 58709), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of the Municipal Castings Fair Trade Council (''MCFTC'') and its individual members[4] (collectively ''the domestic parties''), on November 17, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* We received a complete substantive response on behalf of the domestic parties on December 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). The individual members of the MCFTC claimed interested party status as manufacturers of domestic like products and MCFTC claimed interested party status as a trade association representing the domestic industry.

The Department did not receive a substantive response from any respondent interested party, including the Government of Brazil. Therefore, pursuant to the regulations, the Department determined to conduct an expedited review.

The Department determined that the sunset review of the countervailing duty order on heavy iron construction castings from Brazil is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). (See section 751(c)(6)(C) of the Act.) Therefore, on March 2, 1999, the Department extended the time limit for completion of the final results of this review until not later than June 1, 1999, in accordance with section 751(c)(5)(B) of the Act.[5]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the net countervailable subsidy determined in the investigation and subsequent reviews, and whether any change in the program which gave rise to the net countervailable subsidy has occurred that is likely to affect that net countervailable subsidy. Pursuant to section 752(b)(3) of the Act, the Department shall provide to the International Trade Commission (''the Commission'') the net countervailable subsidy likely to prevail if the order is revoked. In addition, consistent with section 752(a)(6), the Department shall provide to the Commission information concerning the nature of the subsidy and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement.

The Department's determinations concerning continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order is revoked, and nature of the subsidy are discussed below. In addition, the domestic parties' comments with respect to each of these issues are addressed within the respective sections.

Continuation or Recurrence of a Countervailable Subsidy

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section III.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of a countervailing duty order is likely to lead to continuation or recurrence of a countervailable subsidy where (a) a subsidy program continues, (b) a subsidy program has been only temporarily suspended, or (c) a subsidy program has been only partially terminated (*see* section III.A.3.a of the *Sunset Policy Bulletin*). Exceptions to this policy are provided where a company has a long record of not using a program (*see* section III.A.3.b of the *Sunset Policy Bulletin*).

In addition to considering guidance on likelihood provided in the *Sunset Policy Bulletin* and legislative history, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of a countervailable subsidy where a respondent interested party waives its participation in the sunset review. Pursuant to the SAA, at 881, in a review

[2] *See Countervailing Duty Order; Certain Heavy Iron Construction Castings From Brazil,* 51 FR 17786 (May 15, 1986).

[3] *See Certain Heavy Iron Construction Castings From Brazil; Final Results of Countervailing Duty Administrative Review and Determination Not To Revoke the Countervailing Duty Order,* 57 FR 2252 (January 21, 1992) and *Certain Heavy Iron Construction Castings From Brazil; Preliminary Results of Countervailing Duty Administrative Review,* 56 FR 58879 (November 22, 1991).

[4] The MCFTC is comprised of Allegheny Foundry Company, Bingham & Taylor, Deeter Foundry Inc., East Jordan Iron Works, Inc., LeBaron Foundry, Inc., Municipal Castings, Inc., Neenah Foundry Company, Tyler Pipe, and U.S. Foundry & Manufacturing Co. Bingham & Taylor and Tyler Pipe are manufacturers only of so-called ''light castings'' and thus are not interested parties in the review of this order, which covers only so-called heavy castings.

[5] *See Heavy Iron Construction Castings From Brazil: Extension of Time Limit for Final Results of Five-Year Review,* 64 FR 10992 (March 8, 1999).

of a countervailing duty order where the foreign government has waived participation, the Department shall conclude that revocation of the order would be likely to lead to continuation or recurrence of a countervailable subsidy for all respondent interested parties.[6] In the instant review, the Department did not receive a substantive response from the foreign government or from any other respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

In their substantive response, the domestic parties argue that it is likely that a countervailable subsidy would continue to be provided to manufacturers and exporters of the subject merchandise if the countervailing duty order were revoked. (*See* December 2, 1998 Substantive Response of the domestic parties at 42.) The domestic parties argue that, even though the Department, in the lone administrative review of this order, found a *de minimis* net countervailable subsidy, this alone is not sufficient grounds to conclude that there is no likelihood of continuation or recurrence of a countervailable subsidy. Citing to the SAA at 888, the domestic parties assert that the Department must carefully examine the legal method by which the Government of Brazil terminated any of its subsidy programs. (*See* Substantive Response of the domestic parties at 49–50.)

The domestic parties argue that, with respect to at least one program (preferential working capital financing for exports), termination was accomplished through administrative action rather than a legislative measure. The domestic parties argue that this is precisely the type of circumstance recognized by the SAA as one in which a program may more likely be reinstated.

The *Sunset Policy Bulletin*, at section III.A.3.a, states that, consistent with the SAA at 888, continuation of a program will be highly probative of the likelihood of continuation or recurrence of countervailable subsidies. Temporary suspension or partial termination of a subsidy program also will be probative of continuation or recurrence of countervailable subsidies, absent significant evidence to the contrary. Additionally, the *Sunset Policy Bulletin* provides that, where a program has been officially terminated by the foreign government, this will be probative of the fact that the program will not continue or recur if the order is revoked. (*See Sunset Policy Bulletin* at section III.A.5.)

As noted above, the Department, in its final affirmative determination, determined that Brazilian producers of castings were benefitting from three countervailable subsidy programs. In the lone administrative review of the order, the Department found that two of the original three programs had since been terminated. Additionally, the Department also found two other programs that had not previously been used by producers of castings to be terminated. Finally, the Department found that the third of the original three programs was not used during the review period.

As noted in the *Sunset Policy Bulletin*, where a foreign government has eliminated a subsidy program, the Department will consider the legal method by which the government eliminated the program and whether the government is likely to reinstate the program. With respect to the income tax exemption for export earnings program, the program was eliminated by Decree Law 8034. Therefore, since this program was terminated through legislative action we find that this program was eliminated and cannot easily be reinstated. With respect to the preferential working capital financing for exports program, we agree with the domestic parties that the program was terminated by Central Bank resolution. Loans made under this program were authorized by resolution of the Central Bank. Therefore, we determine that termination of this program by Central Bank resolution is sufficient for us to consider this program terminated and that it cannot be easily reinstated. Further, we note that, although the domestic parties requested that we consider whether the preferential working capital financing for exports program may be easily reinstated, they offered no reason to believe that the program has, or will be reinstated. Therefore, for purposes of this review, we determine that both of these programs have been eliminated.

On the basis of information submitted during this sunset review, however, we have no reason to believe that the FINEX export financing program has been eliminated. The SAA, at 888, states that continuation of a program will be highly probative of the likelihood of continuation or recurrence of countervailable subsidies. Additionally, as noted above, according to the *Sunset Regulations*, where the foreign government has waived participation in the review, the Department will normally determine that revocation of the countervailing duty order will likely lead to continuation or recurrence of a countervailable subsidy. Therefore, absent significant evidence to the contrary, and because the foreign government has waived participation in this review, we find that revocation of the countervailing duty order would likely result in the continuation or recurrence of countervailable subsidies.

Net Countervailable Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, ''the Department normally will select a rate 'from the investigation, because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place.' '' The Department went on to clarify that this rate may not be the most appropriate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, there has been a program-wide change, or the rate ignores a program found to be countervailable in a subsequent review (*see* section III.B.3).

Citing to the SAA at 890 and the *Sunset Policy Bulletin*, the domestic parties suggested that the Department select the 5.77 percent subsidy rate from the original investigation because it is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of the order in place. We disagree with the domestic parties. Rather, consistent with the *Sunset Policy Bulletin* and SAA, we have taken the termination of programs into account. Because the income tax reduction for export earnings and the CACEX preferential working capital financing programs were found to be terminated, we have adjusted the original countervailing duty rate to reflect these terminations. Further, Brazilian exporters/producers of castings have not been found to have benefitted from any additional countervailable programs. Therefore, the Department determines that the net countervailable subsidy likely to prevail if the order were revoked is the rate attributed to the FINEX export financing program as determined in the original investigation. The net countervailable subsidy that will be reported to the Commission is contained in the *Final Results of Review* section of this notice.

Nature of the Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with section 752(a)(6) of the Act, the Department will provide information to the Commission concerning the nature of the subsidy and whether the subsidy

[6] *See also* 19 CFR 351.218(d)(2)(iv).

is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. The domestic parties did not specifically address this issue.

Because receipt of benefits provided under the FINEX Export Financing by the Fundo de Financiamento a Exportacao program are contingent upon exports, this program falls within the definition of an export subsidy under Article 3.1(A) of the Subsidies Agreement.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Manufacturer/exporters	Margin (percent)
All producers/manufacturers/exporters	1.06

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–14341 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–063]

Final Results of Expedited Sunset Review: Iron Metal Castings From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Expedited Sunset Review: Iron Metal Castings from India.

SUMMARY: On November 2, 1998, the Department of Commerce (''the Department'') initiated a sunset review of the countervailing duty order on iron metal castings from India (63 FR 58709) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and substantive comments filed on behalf of the domestic parties, as well as inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited (120 day) review. As a result of this review, the Department finds that termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the ''Final Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Jason M. Appelbaum or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: June 7, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

The merchandise subject to this countervailing duty order are shipments of manhole covers and frames, clean-out covers and frames, and catch basin grates and frames from India. These articles are commonly called municipal or public works castings and are used for access or drainage for public utility, water, and sanitary systems. These articles must be of cast iron, not alloyed, and not malleable. This merchandise is currently classifiable under item numbers 7325.10.0010 and 7325.10.0050 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The HTSUS item numbers are provided for convenience and U.S. Customs purposes. We note that, in their substantive response, the domestic parties limit their description of the subject merchandise to HTSUS item number 7325.10.0010, which refers specifically to so-called ''heavy'' castings. The written description remains dispositive.

History of the Order

On August 20, 1980, the Department issued a final affirmative countervailing duty determination with respect to imports of certain iron construction castings from India.[1] In the final determination the Department found an ''all others'' estimated net subsidy of 13.33 percent *ad valorem* during the review period based on four programs: 12.5 percent under the Cash Compensatory System program, 0.4 percent under the preferential export financing program, 0.4 percent under the tax deductions under the export marketing allowance program, and 0.3 percent under the market development assistance program. Receipt of benefits under each of these programs was contingent upon exports. The Department also found the following net countervailable subsidy rates for the following five companies: Uma Iron & Steel—16.8 percent, RB Agarwalla—14.9 percent, Basant Udyog—13.8 percent, Kejriwal Iron & Steel Works—13.1 percent, and Kajaria Exports—12.9 percent. Additionally, the Department determined an ''all others'' rate of 13.3 percent.

On October 16, 1980, the Department issued a countervailing duty order which confirmed the subsidy rates found in the original investigation.[2] The cash deposit rate was subsequently revised by the Department to take into account program-wide changes in the Cash Compensatory Support program, which reduced the program-specific subsidy from 12.5 percent to 5.0 percent.[3]

Since the issuance of the order, the Department has conducted 14 administrative reviews covering the four countervailable programs from the original investigation and 10 other

[1] *See Countervailing Duties—Certain Iron Metal Castings From India; Final Countervailing Duty Determination,* 45 FR 55502 (August 20, 1980).

[2] *See Certain Iron Metal Castings From India; Countervailing Duty Order,* 45 FR 68650 (October 16, 1980).

[3] *See Certain Iron Metal Castings From India; Adjustment of Countervailing Duty Deposit Rate,* 46 FR 38398 (July 27, 1981).

programs which were found to be countervailable.[4] Over the course of these 14 administrative reviews, the Department has also reviewed 22 additional companies.

In the third administrative review, covering the period January 1, 1984 to December 31, 1984, the Department found that two new countervailable programs existed and were conferring benefits.[5] The first program, the International Price Reimbursement Scheme (''IPRS'') was determined to be a direct export subsidy conferring benefits of 6.54 percent. The second new countervailable program, tax deduction for exporters under section 80HHC, was determined to confer benefits of 0.02 percent.

In the next administrative review, the Department found another countervailable export subsidy under a post-shipment export financing program operated by the Reserve Bank of India. The Department determined, in the final results of this administrative review, that countervailable benefits of 0.98 percent were being given under this program.[6]

In the administrative review covering the period January 1, 1987 to December 31, 1987, the Department found the sale of replenishment licenses to provide a countervailable subsidy because exporters receive the licenses based on their status as exporters. This program, benefits through the sale of import licenses, was determined to provide a countervailable subsidy of 0.01 percent.[7]

In the next administrative review, covering the period January 1, 1988 to December 31, 1988, the Department found that producers of castings were receiving benefits through the sale of additional licenses and that these benefits were 0.35 percent.[8]

In the administrative review covering the period January 1, 1993 to December 31, 1993, the Department determined that three new countervailable programs existed. Benefits were being provided under post-shipment export financing denominated in foreign currency at a rate of 1.25 percent, under an exemption of export credit for interest taxes at a rate of 0.06 percent, and under an advanced license through the Liberalized Exchange Rate Management System (''LERMS'') at a rate of 0.33 percent.[9]

Lastly, the Department, in the administrative review for the period January 1, 1994 to December 31, 1994, found two new countervailable programs: pre-shipment credit in foreign currency and payment of premium against advance license. Because receipt of benefits under both of these programs were contingent upon export performance, the Department found both programs were export subsidies. However, the Department determined that the benefits under both programs were zero percent.[10]

In addition to the Department's findings of new countervailable programs over the life of the order, the Department has also found that five programs have been terminated since the issuance of the order. Of the programs from the original investigation, two programs, the Cash Compensatory Support program and the income tax deductions under the export market development allowance, were both found to be terminated. The Cash Compensatory Support program was determined to have been terminated by the GOI on July 3, 1991.[11] The Department stated in the final results of the reviews covering 1990 and 1991, that India's Ministry of Commerce terminated the Cash Compensatory Support program as of July 3, 1991. In our position in responses to Comment 2 in final determination notice related to 1991, we explained that we disagreed with the petitioners assertion that the program was merely suspended. Rather, we noted that the India Ministry of Commerce announcement concluded that the program was terminated.

In the final results of the 1982 administrative review, the Department stated that the Income Tax Deduction Under the Export Markets Development Allowance program was terminated.[12] Specifically, the Department noted that on May 13, 1983, the Indian government published in the Gazette of India the Finance Act of 1983, which included an amendment to Article 35B. Effective April 1, 1983, no income tax benefits

[4] *See Certain Iron Metal Castings From India; Final Results of Administrative Review of Countervailing Duty Order,* 48 FR 56092 (December 19, 1983); *Certain Iron Metal Castings From India; Final Results of Administrative Review of Countervailing Duty Order,* 49 FR 40943 (October 18, 1984); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 51 FR 45788 (December 22, 1986); *Certain Iron Metal Castings From India; Amendment to Final Results of Countervailing Administrative Review in Accordance With Decision Upon Remand,* 53 FR 37014 (September 23, 1988); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 55 FR 50747 (December 10, 1990); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India,* 56 FR 1976 (January 18, 1991); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India,* 56 FR 41658 (August 22, 1991); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India,* 56 FR 52515 (October 21, 1991); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Casting From India,* 56 FR 52521 (October 21, 1991); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 60 FR 44849 (August 29, 1995); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 60 FR 44843 (August 29, 1995); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 61 FR 64687 (December 6, 1996); *Certain Iron Metal Castings From India; Amended Final Results of Countervailing Duty Administrative Review,* 62 FR 590 (January 3, 1997); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 61 FR 64676 (December 6, 1996); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 62 FR 32297 (June 13, 1997); *Certain Iron Metal Castings From India; Amended Final Results of Countervailing Duty Administrative Review in Accordance With Decision Upon Remand,* 63 FR 67858 (December 9, 1998); and *Certain Iron Metal Castings From India; Final Results and Partial Rescission of Countervailing Duty Administrative Review,* 63 FR 64050 (November 18, 1998).

[5] *See Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review,* 51 FR 35676 (October 7, 1986); *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 51 FR 45788 (December 22, 1986); and *Certain Iron-Metal Castings From India; Amendment to Final Results of Countervailing Duty Administrative Review in Accordance With Decision Upon Remand,* 53 FR 37014 (September 23, 1988).

[6] *See Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review,* 55 FR 12702 (April 5, 1990); *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 55 FR 50747 (December 10, 1990); and *Certain Iron-Metal Castings From India; Amended Final Results of Countervailing Duty Administrative Review in Accordance With Decision Upon Remand,* 63 FR 67858 (December 9, 1998).

[7] *See Preliminary Results of Countervailing Duty Administrative Review; Certain Iron-Metal Castings From India,* 56 FR 41654 (August 22, 1991) and *Final Results of Countervailing Duty Administrative Review; Certain Iron-Metal Castings From India,* 56 FR 52515 (October 21, 1991).

[8] *See Preliminary Results of Countervailing Duty Administrative Review; Certain Iron-Metal Castings From India,* 56 FR 41650 (August 22, 1991) and *Final Results of Countervailing Duty Administrative Review; Certain Iron-Metal Castings From India,* 56 FR 52521 (October 21, 1991).

[9] *See Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review,* 61 FR 25623 (May 22, 1996) and *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 61 FR 64676 (December 6, 1996).

[10] *See Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review,* 61 FR 64669 (December 6, 1996) and *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 62 FR 32297 (June 13, 1997).

[11] *See Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 60 FR 44843 (August 29, 1995).

[12] *See Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review,* 49 FR 32279 (August 16, 1984) and *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 49 FR 40943 (October 18, 1984).

were available for expenditures incurred after March 1, 1983.

Three other programs that were instituted after the completion of the original investigation were also found to subsequently be terminated. The IPRS program was found to have been terminated as of June 30, 1987.[13] The Department verified this termination by examining a circular from the Indian Ministry of Commerce which stated that claims were not to be made on exports of castings to the United States and, as such, the Department determined that this constituted termination of the program. Additionally, the Department determined that benefits under the LERMS program were terminated as of February 28, 1993 and that benefits under the program of post-shipment export financing denominated in foreign currency were terminated effective February 8, 1996 by the GOI.[14]

This review covers all producers and exporters of iron metal castings from India.

Background

On November 2, 1998, the Department initiated a sunset review of the countervailing duty order on iron metal castings from India (63 FR 58709), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of the Municipal Castings Fair Trade Council (''MCFTC'') and its individual members [15] (collectively ''the domestic parties''), on November 17, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. We received a complete substantive response on behalf of the domestic parties on December 2, 1998, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). The individual members of the MCFTC claimed interested party status as manufacturers of domestic like products and MCFTC claimed interested party status as a trade association representing the domestic parties.

The Department also received a statement of waiver from the Engineering Export Promotion Council (''EEPC'') of India on December 1, 1998. We did not receive a response from the Government of India (''GOI''). Therefore, since the Department did not receive a substantive response from any respondent interested party and pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department determined to conduct an expedited, 120-day, review of this order.

The Department determined that the sunset review of the countervailing duty order on iron metal castings from India is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). (*See* section 751(c)(6)(C) of the Act.) Therefore, on March 2, 1999, the Department extended the time limit for completion of the final results of this review until not later than June 1, 1999, in accordance with section 751(c)(5)(B) of the Act.[16]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether termination of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the net countervailable subsidy determined in the investigation and subsequent reviews, and whether any change in the program which gave rise to the net countervailable subsidy has occurred that is likely to affect that net countervailable subsidy. Pursuant to section 752(b)(3) of the Act, the Department shall provide to the International Trade Commission (''the Commission'') the net countervailable subsidy likely to prevail if the order is revoked. In addition, consistent with section 752(a)(6), the Department shall provide to the Commission information concerning the nature of the subsidy and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement.

The Department's determinations concerning continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order is revoked, and nature of the subsidy are discussed below. In addition, the domestic parties' comments with respect to each of these issues are addressed within the respective sections.

Continuation or Recurrence of a Countervailable Subsidy

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (*see* section III.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of a countervailing duty order is likely to lead to continuation or recurrence of a countervailable subsidy where (a) a subsidy program continues, (b) a subsidy program has been only temporarily suspended, or (c) a subsidy program has been only partially terminated (*see* section III.A.3.a of the *Sunset Policy Bulletin*). Exceptions to this policy are provided where a company has a long record of not using a program (*see* section III.A.3.b of the *Sunset Policy Bulletin*).

In addition to considering guidance on likelihood provided in the *Sunset Policy Bulletin* and legislative history, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of an order is likely to lead to continuation or recurrence of a countervailable subsidy where a respondent interested party waives its participation in the sunset review. According to the *Sunset Regulations* and the SAA at 881, in a review of a countervailing duty order where the foreign government has waived participation, the Department shall conclude that respondent interested parties have provided inadequate response to the notice of initiation and will normally determine that revocation of the order would be likely to lead to continuation or recurrence of a countervailable subsidy.[17] In the instant review, the Department did not receive a substantive response from the GOI.

[13] *See Final Results of Countervailing Duty Administrative Review; Certain Iron-Metal Castings From India,* 56 FR 41658 (August 22, 1991).

[14] *See Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review,* 61 FR 64676 (December 6, 1996) and *Certain Iron-Metal Castings From India; Final Results and Partial Rescission of Countervailing Duty Administrative Review,* 63 FR 64050 (November 18, 1998).

[15] The MCFTC is comprised of Allegheny Foundry Company, Bingham & Taylor, Deeter Foundry Inc., East Jordan Iron Works, Inc., LeBaron Foundry, Inc., Municipal Castings, Inc., Neenah Foundry Company, Tyler Pipe, and U.S. Foundry & Manufacturing Co. The domestic parties stated that only so-called ''heavy'' castings are subject to the order. Since Bingham & Taylor and Tyler Pipe are manufacturers of so-called ''light'' castings only, they would not be interested parties in this review. However, since the order does cover both heavy and light castings, these two companies would be interested parties in this review.

[16] *See Iron Metal Castings From India: Extension of Time Limit for Final Results of Five-Year Review,* 64 FR 10992 (March 8, 1999).

[17] *See* 19 CFR 351.218(d)(2)(iv).

Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations,* this constitutes a waiver of participation. Further, the EEPC submitted a statement of waiver.

In their substantive response, the domestic parties argue that it is likely that a countervailable subsidy would continue to be provided to manufacturers and exporters of the subject merchandise if the countervailing duty order were revoked. (*See* December 2, 1998 Substantive Response of the domestic parties at 42.) The domestic parties state that the record demonstrates that, since the imposition of the countervailing duty order, the GOI has continued to provide subsidies to producers/exporters of castings. Further, the domestic parties argue that the manner in which the GOI ended certain key subsidies could result in easy reinstatement. Finally, the domestic parties state that when some subsidy programs are found to be countervailable, other subsidy programs are introduced in their place.

The domestic parties discuss two specific subsidy programs of the Government of India: the International Price Reimbursement Scheme (IPRS) and the Cash Compensatory Support Program (CCS). According to the domestic parties, the GOI's handling of these two programs is indicative of the way in which the GOI responds to a determination by the Department that a program is countervailable. First, in regards to the IPRS program, the domestic parties argue that, after the Department determined that the program provided a countervailable subsidy the EEPC (a quasi-governmental entity or trade association representing exporters of the subject castings) implemented a plan whereby producers/exporters of heavy castings were asked not to make further claims against exports of heavy castings to the United States as of July 1, 1987. (*See* December 2, 1998 Substantive Response of the domestic parties at 45–46.) The domestic parties argue that this cessation of claims against the IPRS program was only for heavy castings and, since it was not brought about by government legislation, regulation, or decree, the program can be resumed at any time.

Additionally, the domestic parties argue that the CCS program may also be easily reinstated should the order be revoked. According to the domestic parties, the CCS program was not terminated by an official act. Therefore, it can be restarted rather easily in the event that this order were revoked. Finally, the domestic parties argue that the Department, in its most recent administrative review, found 12 programs that were currently not in use, but that have not been terminated, thus leaving open the possibility that these programs may be resumed should the order be revoked.

In conclusion, the domestic parties argue that the Department should find that there is a likelihood that a countervailable subsidy would continue if the order were revoked.

The *Sunset Policy Bulletin,* at section III.A.3.a, states that, consistent with the SAA at 888, continuation of a program will be highly probative of the likelihood of continuation or recurrence of countervailable subsidies. Temporary suspension or partial termination of a subsidy program also will be probative of continuation or recurrence of countervailable subsidies, absent significant evidence to the contrary. Additionally, the *Sunset Policy Bulletin* provides that, where a program has been officially terminated by the foreign government, this will be probative of the fact that the program will not continue or recur if the order is revoked. (*See Sunset Policy Bulletin* at section III.A.5.)

We agree with the domestic parties that Indian producers/exporters continue to benefit from several countervailable subsidy programs. The Department, in its most recent administrative review, determined that there are six countervailable programs currently in use and also listed 13 programs that were found not to be used.[18] As stated above, the continued use of a program is highly probative of the likelihood of continuation or recurrence of countervailable subsidies if the order were revoked. Additionally, the presence of programs that have not been used, but have also not been terminated, is also probative of the likelihood of continuation or recurrence of a countervailable subsidy. Therefore, because there are countervailable programs that are currently being used and others that remain in existence, the foreign government and other respondent interested parties waived their right to participate in this review before the Department, and absent argument and evidence to the contrary, the Department determines that it is likely that a countervailable subsidy will continue if the order were revoked.

Net Countervailable Subsidy

In the *Sunset Policy Bulletin,* the Department stated that, consistent with the SAA and House Report, the Department normally will select a rate from the investigation, because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place. The Department went on to clarify that this rate may not be the most appropriate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, there has been a program-wide change, or the rate ignores a program found to be countervailable in a subsequent review. Additionally, where the Department determined company-specific countervailing duty rates in the original investigation, the Department normally will report to the Commission company-specific rates from the original investigation or where no company-specific rate was determined for a company, the Department normally will provide to the Commission the country-wide or ''all others'' rate. (*See Sunset Policy Bulletin* at section III.B.2.)

The domestic parties, citing the *Sunset Policy Bulletin,* state that the Department should select, as the net countervailable subsidy likely to prevail, the company-specific and ''all others'' rates from the original investigation.

The Department disagrees with the domestic parties' argument concerning the net countervailable subsidy rate that is likely to prevail. As stated above, the *Sunset Policy Bulletin* does state that the Department will normally choose the rate from the investigation, since this is the only rate that reflects how a foreign government and exporters will act without the discipline of an order in place. However, the *Sunset Policy Bulletin* also provides that adjustments may be made to the net countervailable subsidy likely to prevail where programs have either been terminated or where new programs have been added. As the domestic parties noted in their substantive response, new programs have been added and some programs have been terminated over the life of the order. Specifically, the Department, through the process of administrative reviews, has determined that four programs have been terminated. These programs—'' the Cash Compensatory Support program (CCS), the International Price Reimbursement Scheme (IPRS), the Income Tax Deductions Under the Export Market Development Allowance program, the Imports Made Under an Advance License Through the Liberalized Exchange Rate Management System (LERMS) program, and the Post Shipment Export Financing Denominated in Foreign Currency

[18] *See Certain Iron Metal Castings From India; Final Results and Partial Rescission of Countervailing Duty Administrative Review,* 63 FR 64050 (November 18, 1998).

(PSCFC) program—'' have all been found to be terminated, with no residual benefits.[19] Therefore, pursuant to the *Sunset Policy Bulletin* the net countervailable subsidy likely to prevail has been adjusted to reflect the termination of these programs. The net countervailable subsidy has also been adjusted to account for new programs identified during administrative reviews.[20]

As a result of changes in programs since the imposition of the countervailing duty order, the Department has determined that using the net countervailable subsidy rates, as determined in the original investigation, is no longer appropriate. Rather, we have adjusted the company-specific and ''all others'' countervailing duty rates from the original investigation by adding in the rates from the first time a new program was used and subtracting out the subsidy rates from programs that have been terminated. (*See* Memorandum to File regarding calculation of the net countervailable subsidy.) As a result, the Department will report to the Commission the rates as contained in the Final Results of Review section of this notice.

Nature of the Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with section 752(a)(6) of the Act, the Department will provide information to the Commission concerning the nature of the subsidy and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. The domestic parties did not specifically address this issue.

Because receipt of benefits provided by the GOI's countervailable programs are contingent upon exports, these programs fall within the definition of export subsidies under Article 3.1(A) of the Subsidies Agreement.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Manufacturer/exporters	Margin (percent)
Uma Iron & Steel	1.76
R.B. Agarwalla & Co.	0.84
Basant Udyog	1.82
Kejriwal Iron & Steel Works	1.82
Kajaria Exports	0.84
All others	1.82

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–14340 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–DS–P

[19] For information concerning program terminations *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 FR 44843 (August 29, 1995); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India*, 56 FR 41658 (August 22, 1991); *Certain Iron Metal Castings From India; Preliminary Results of Administrative Review of Countervailing Duty Order*, 49 FR 32779 (August 16, 1984); *Certain Iron Metal Castings From India; Final Results of Administrative Review of Countervailing Duty Order*, 49 FR 40943 (October 18, 1984); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 61 FR 64676 (December 6, 1996); and *Certain Iron Metal Castings From India; Final Results and Partial Rescission of Countervailing Duty Administrative Review*, 63 FR 64050 (November 18, 1998) respectively. For the case of the income tax deductions (the preliminary and final results published in 1984) the comment by the Department regarding the termination of this program is found in the preliminary results and is reaffirmed in the final results.

[20] For new programs *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 51 FR 45788 (December 22, 1986); *Certain Iron Metal Castings From India; Amendment to Final Results of Countervailing Duty Administrative Review in Accordance With Decision Upon Remand*, 53 FR 37014 (September 23, 1988); *Certain Iron Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review*, 51 FR 35676 (October 7, 1986); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 51 FR 45788 (December 22, 1986); *Certain Iron Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review*, 55 FR 12702 (April 5, 1990); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 55 FR 50747 (December 10, 1990); *Preliminary Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India*, 56 FR 29626 (June 28, 1991); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India*, 56 FR 41658 (August 22, 1991); *Preliminary Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India*, 56 FR 41654 (August 22, 1991); *Final Results of Countervailing Duty Administrative Review; Certain Iron Metal Castings From India*, 56 FR 52515 (October 21, 1991); *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 61 FR 64676 (December 6, 1996); *Certain Iron Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review*, 61 FR 64669 (December 6, 1996); and *Certain Iron Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 62 FR 32297 (June 13, 1997).

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On May 18, 1999 Cinsa, S.A. de C.V. (''Cinsa'') and Esmaltaciones de Norte America, S.A. de C.V. (''ENASA'') filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final antidumping administrative review made by the International Trade Administration, respecting Porcelain-on-Steel Cookware from Mexico. This determination was published in the **Federal Register**, 64, 26,934 on May 18, 1999. The NAFTA Secretariat has assigned Case Number USA–CDA–99–1904–05 to this request.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, Acting United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the

Federal Register on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on May 18, 1999, requesting panel review of the final antidumping duty administrative review described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is June 17, 1999);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is July 2, 1999); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: May 25, 1999.

Caratina L. Alston,

Acting United States Secretary, NAFTA Secretariat.

[FR Doc. 99–14248 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052599B]

ICCAT Advisory Committee; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) in conjunction with the Highly Migratory Species (HMS) Management Division of NMFS announces the schedule of regional public meetings to be held this fall.

DATES: The meetings are scheduled in September 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the meetings.

ADDRESSES: The meetings will be held in Florida, North Carolina, New Jersey, and Massachusetts. See **SUPPLEMENTARY INFORMATION** for specific addresses of the meetings.

FOR FURTHER INFORMATION CONTACT: Patrick E. Moran (international issues) 301–713-2276 or Rachel Husted (domestic issues) 301–713–2347.

SUPPLEMENTARY INFORMATION: The meetings are scheduled as follows:

Wednesday, September 1, 1999, 7 p.m. to 10 p.m.- Ramada Inn Clearwater Beach Gulfview, 521 South Gulfview Boulevard, Clearwater, Florida 33767;

Thursday, September 2, 1999, 7 p.m. to 10 p.m.- Pompano Beach Civic Center, 1801 NE 6th street, Pompano Beach, Florida 33060;

Thursday, September 23, 1999, 7 p.m. to 10 p.m.- Nags Head Town Board Room, 5401 South Croatan Highway, Nags Head, North Carolina 27959;

Wednesday, September 29, 1999, 7 p.m. to 10 p.m.- Barnegat Light Fire Department, West 10th, Barnegat Light, New Jersey 08006;

Thursday, September 30, 1999, 7 p.m. to 10 p.m.- Sheraton Hyannis Resort, West End Circle, Hyannis, Massachusetts 02601.

Additionally, the annual fall meeting of the Advisory Committee will be held in Silver Spring, Maryland, October 31 through November 2, 1999. There will be opportunity for public comment on international issues at this meeting. Domestic issues will not be discussed at this meeting. Information on the timing and location of the annual fall meeting will be provided at a later date.

The following topics may be presented to the public for discussion at the regional meetings:

International Issues

(1) Background on ICCAT

(2) Information on the Advisory Committee and Commissioners

(3) Status of Highly Migratory Species Managed by ICCAT

(4) Topics for the 1999 ICCAT Annual Meeting

Domestic Issues

(1) Implementation of ICCAT Recommendations

(2) Other HMS management actions

Representatives from the Advisory Committee to the U.S. Section to ICCAT and NMFS will be in attendance at the regional meetings. There will be an opportunity for public comment on each issue. The length of the meetings may be adjusted based on the progress of the discussions.

Special Accommodation

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Patrick E. Moran at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: June 1, 1999.

Bruce C. Morehead,

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

[FR Doc. 99–14314 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, National Sea Grant Review Panel

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, national strategic investments, education and extension, organizational changes and other matters as described below.

DATES: The announced meeting is scheduled for Thursday, June 24, 1999, 9:30 a.m. to 6 p.m.

ADDRESSES: Portland Marriott Downtown, 1401 Southwest Naito Parkway, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald C. Baird, Director, National Sea Grant College Program, National Oceanic and Atmosphere Administration, 1315 East-West Highway, Room 11716, Silver Spring, MD 20910, (301) 713–2448 extension 163.

SUPPLEMENTARY INFORMATION: The Panel, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128) to advise the Secretary of Commerce, the Under Secretary for Oceans and Atmosphere, and the Director of the National Sea Grant College Program with respect to operations under the act, and such other matters as the Secretary refers to the

Panel for review and advice. The agenda for the meeting is as follows:

Thursday, June 24, 1999

9:30 a.m.–9:45 a.m. Opening of Meeting
9:45 a.m.–10 a.m. Sea Grant Leadership Retreat Report
10 a.m.–10:30 a.m. Sea Grant Association Report
10:30 a.m.–11 a.m. Office of Oceanic and Atmospheric Research Reorganization
11 a.m.–11:30 a.m. Budget Presentation
11:30 a.m.–12 noon Executive Committee Report
12 noon–1 p.m. Working Lunch
1 p.m.–2 p.m. National Office Update
2 p.m.–3 p.m. Panel Committee Reports
3 p.m.–4 p.m. National Strategic Investments
4 p.m.–4:30 p.m. Break
4:30 p.m.–5:30 p.m. New Program Assessments and Topical Assessments
5:30 p.m.–6 p.m. Wrap-Up (Next Meeting Discussion)

This meeting will be open to the public.

Dated: May 28, 1999.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 99–14200 Filed 6–4–99; 8:45 am]

BILLING CODE 3510–KA–M

COMMODITY FUTURES TRADING COMMISSION

Membership of the Commission's Performance Review Board

AGENCY: Commodity Futures Trading Commission.

ACTION: Membership change of Performance Review Board.

SUMMARY: In accordance with the Office of Personnel Management guidance under the Civil Service Reform Act of 1978, notice is given that the following employees will serve as members of the Commission's Performance Review Board.

Chairman: I. Michael Greenberger, Director, Division of Trading and Markets. *Members:* Donald L. Tendick, Acting Executive Director, Office of the Executive Director, Daniel Waldman, General Counsel, Office of the General Counsel; John Mielke, Acting Director, Division of Economic Analysis; Phyllis Cela, Acting Director, Division of Enforcement.

DATES: This action will be effective on May 28, 1999.

ADDRESSES: Commodity Futures Trading Commission, office of Human Resources, Three Lafayette Centre, Suite 4100, Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Marsha Scialdo, Director, Office of Human Resources, Commodity Futures Trading Commission, Three Lafayette Centre, Suite 4100, Washington, DC 20581, (202) 418–5003.

SUPPLEMENTARY INFORMATION: This action which changes the membership of the Board supersedes the previously published **Federal Register** Notice, March 15, 1999.

Issued in Washington, DC on May 28, 1999.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 99–14235 Filed 6–4–99; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Notification Requirements Under Safety Regulations for Coal and Woodburning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the March 26, 1999 **Federal Register** (64 FR 14708), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek an extension of approval through June 30, 2002, of information collection requirements in the safety regulations for coal and woodburning appliances (16 CFR Part 1406). The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

These regulations require manufacturers and importers of certain coal and woodburning appliances to provide safety information to consumers on labels and instructions and an explanation of how certain clearance distances in those labels and instructions were determined. The requirements to provide copies of labels and instructions to the Commission have been in effect since May 16, 1984. For this reason, the information burden imposed by this rule is limited to manufacturers and importers introducing new products or models, or making changes to labels, instructions, or information previously provided to the Commission. The purposes of the reporting requirements in part 1406 are to reduce risks of injuries from fires associated with the installation, operation, and maintenance of the appliances that are subject to the rule, and to assist the Commission in determining the extent to which manufacturers and importers comply with the requirements in part 1406.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Notification Requirements for Coal and Woodburning Appliances, 16 CFR Part 1406.

Type of request: Extension of approval.

Frequency of collection: Labeling, plus one-time requirement for reporting of new models or changes.

General description of respondents: Manufacturers and importers of coal and woodburning appliances.

Estimated Number of respondents: 5.

Estimated average number of responses per respondent: 1 per year.

Estimated number of responses for all respondents: 5 per year.

Estimated number of hours per response: 3.

Estimated number of hours for all respondents: 15 per year.

Estimated cost of collection for all respondents: Unknown.

Comments: Comments on this request for extension of approval of information collection requirements should be submitted by July 7, 1999 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127 or by e-mail at cpsc-os@cpsc.gov.

Copies of this request for an extension of an information collection requirement are available from Linda Glatz, management and program analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416, extension 2226.

Dated: June 1, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 99–14232 Filed 6–4–99; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting a Ban of Steel Electricians' ''Fish Tapes'' or a Regulation Requiring Warnings and Instructions for These Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: John C. Stein has petitioned the Commission to ban, or require strict warnings and instructions for, steel electricians' fish tapes. The Commission has docketed this request as Petition CP 99–1. Consumers and electricians use fish tapes to pull electrical wiring through spaces such as the interior of walls. Steel fish tapes can cause electric shock if they contact an electrically-energized component. The Commission solicits written comments concerning the petition from all interested parties.

DATES: Comments on the petition should be received in the Office of the Secretary by August 6, 1999.

ADDRESSES: Comments on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Petition CP 99–1—Steel Fish Tapes.'' Copies of the petition are available by writing or calling the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Docket Control and Communications Specialist, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0800 ext. 1502.

SUPPLEMENTARY INFORMATION: The Commission has docketed correspondence from John C. Stein as a petition for rulemaking (Petition CP 99–1). Mr. Stein requests that the Commission ban, or require strict warnings and instructions for, steel electricians' fish tapes. Consumers and electricians use fish tapes to pull electrical wiring through spaces such as the interior of walls. Steel fish tapes can cause electric shock if the tape contacts an electrically-energized component.

The Commission solicits comments on the petition, particularly regarding the potential costs and benefits of the requested rule.

Comments to CPSC should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland; telephone (301) 504–0800. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Petition CP 99–1—Steel Fish Tapes.''

Interested parties may obtain a copy of the petition from the CPSC's website at http://www.cpsc.gov or by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800. A copy of the petition is available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, room 501, 4330 East-West Highway, Bethesda, Maryland 20814.

Dated: June 1, 1999.

Sadye E. Dunn,

Secretary of the Commission.

[FR Doc. 99–14231 Filed 6–4–99; 8:45 am]

BILLING CODE 6355–01–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0142]

Submission for OMB Review; Comment Request Entitled Past Performance Information

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Past Performance Information. A request for public comments was published at 64 FR 14887, March 29, 1999. No comments were received.

DATES: Comments may be submitted on or before July 7, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Federal Acquisition Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

Past performance information is relevant information, for future source selection purposes, regarding a contractor's actions under previously awarded contracts. When past performance is to be evaluated, the FAR states that the solicitation shall afford offerors the opportunity to identify Federal, state and local government, and private contracts performed by offerors that were similar in nature to the contract being evaluated.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *2 hours* per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents *150,000;* responses per respondent, *4;* total annual responses, *600,000;* preparation hours per response, *2;* and total response burden hours, *1,200,000.*

Obtaining Copies of Justifications

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0142, Past Performance Information, in all correspondence.

Dated: June 1, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–14303 Filed 6–4–99; 8:45 am]

BILLING CODE 6820–34–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 7, 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, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address *Pat__Sherrill@ed.gov,* or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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 at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: June 1, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: Study of State Agency Activities Under Title I, Part D of Elementary and Secondary Education Act, as Amended.

Frequency: One-time only.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 100.

Burden Hours: 100.

Abstract: ED requires nationally representative information on the Title I, Part D, Subpart 1 program, as reauthorized by the Improving America's Schools Act of 1994, to develop a descriptive profile useful in ongoing program improvement efforts and in updating performance indicators for the program in compliance with the Government Performance and Results Act of 1993. ED will collect data from the universe of state agencies with administrative responsibility for the program through a mail survey. Respondent agencies will include State Educational Agencies, Departments of Corrections, Youth Services Agencies, Correctional School Districts, and other state agencies.

[FR Doc. 99–14254 Filed 6–4–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–49–000]

New England Power Company; Massachusetts Electric Company; The Narragansett Electric Company; New England Electric Transmission Corporation; New England Hydro-Transmission Corporation; New England Hydro-Transmission Electric Company, Inc., AllEnergy Marketing Company, L.L.C.; NGG Holdings LLC; Notice of Filing

June 1, 1999.

Take notice that on May 27, 1999, New England Power, *et al.,* tendered for filing a motion to Lodge Shareholder and other Approvals in the above-referenced docket.

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, NW, 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 and protests should be filed on or before June 10, 1999. Protests will be considered by the Commission to determine 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–14249 Filed 6–4–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC99–75–000 and ER99–3060–000]

Western Massachusetts Electric Company; Northeast Utilities Service Company; Consolidated Edison Energy, Inc.; Consolidated Edison Energy, Massachusetts Inc.; Notice of Filing

June 1, 1999.

Take notice that on May 26, 1999, Western Massachusetts Electric Co.

(WMECO), Northeast Utilities Service Company (NUSCO), Consolidated Edison Energy, Inc., and Consolidated Edison Energy, Massachusetts, Inc. (CEEMI), tendered for filing executed signature pages to the Tariff No. 9, service agreement filed on May 25, 1999, in the above-referenced dockets.

Any person desiring to be heard or to protest such filing should file a motion to 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 and protests should be filed on or before June 22, 1999. Protests will be considered by the Commission to determine 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. This filing may also be viewed on the Interent at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–14301 Filed 6–4–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL98–7–000]

Technical Conference on Year 2000 Issues for the Oil and Natural Gas Sector; Notice of Technical Conference

June 1, 1999.

Take notice that the Federal Energy Regulatory Commission (FERC) is sponsoring a technical conference to be held on Tuesday, June 29, at 10:00 a.m., in the Commission Meeting Room at 888 First Street, NE, Washington, DC 20426. This conference is being held as an outreach for the President's Council on Year 2000 Conversion (Council), which designated FERC as the lead agency for the Oil and Gas Sector of its Energy Working Group. The conference will be hosted by the Natural Gas Council (NGC) and the American Petroleum Institute (API). All interested persons are invited to attend.

The third report in a series of quarterly assessments of Y2K readiness efforts will be presented by the industry associations that are part of the Council's Oil and Gas Sector Working Group, from the April survey which was distributed by the industry associations to individual companies. Survey results will be compiled and aggregated by industry associations so that individual company responses remain anonymous. This conference will focus on promoting awareness of Year 2000 issues and coordinating information sharing on testing and solutions among companies in the oil and natural gas industries rather than internal solutions of individual companies.

The proposed agenda for the conference is as follows:

Opening Remarks

Introduction to Technical Conference

Industry Progress and Survey Results

Inter-Industry Efforts, Interdependencies Workshop

A Municipal Perspective

International Supply Chain Dependencies

Customer Communications Efforts

Overview of Industry/Company Drills

Industry Audits

Questions and Answers

The Oil and Gas Sector has developed a Website (www.ferc.fed.us) that is linked to the Council's Website (www.y2k.gov), where the results and other related information will be posed and made available to the public.

The public may participate during question and answer periods, but no witness panels will be established. Written comments are welcome at any time and should reference Docket No. PL98–7–000. For additional information, please contact Donna La May at (202) 501–2341 or by electronic mail at ''donna.lamay@ferc.fed.us.''

The Capitol Connection offers all Open and special FERC meetings *live* over the Internet as well as, via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live internet, phone bridge or satellite coverage contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) or visit our website (www.capitolconnection.gmu.edu). The Capitol Connection also offers FERC Open Meetings through its Washington, D.C. area television service.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–14300 Filed 6–4–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6355–7]

Notice of Stakeholder Meeting on the Revision to Federal Underground Injection Control (UIC) Requirements for Class I—Municipal Wells in Florida

AGENCY: Environmental Protection Agency.

ACTION: Notice; announcement of stakeholder meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will hold a public meeting to gather information and collect opinions from parties who will be affected by or are otherwise interested in the Federal Underground Injection Control Requirements for Class I—Municipal Wells in Florida. EPA will consider comments and views expressed at this meeting in developing the final proposed regulation. EPA encourages the full participation of all stakeholders throughout this process.

DATES AND LOCATION: The stakeholder meeting will be held on Wednesday, July 7, 1999, 9:30 a.m. to 4:00 p.m. EDT.

ADDRESSES: The July 7, 1999 stakeholder meeting will be held in the Public Room of the Florida Department of Environmental Protection, Southeast District, 400 North Congress Ave., West Palm Beach, FL 33401.

To register for the meeting, please contact the EPA Safe Drinking Water Hotline at 1–800–426–4791, or Nancy H. Marsh, EPA Region 4, Ground Water & UIC Section at (404) 562–9450. Participants registering in advance will be mailed a packet of materials before the meeting. Interested parties who cannot attend the meeting in person may participate via conference call and should register with the Safe Drinking Water Hotline. Conference lines are limited and will be allocated on the basis of first-reserved, first served.

FOR FURTHER INFORMATION CONTACT: For general information on meeting logistics, please contact the Safe Drinking Water Hotline at 1–800–426–4791. For information on the activities related to this meeting, contact: Nancy H. Marsh, U.S. EPA Region 4 at (404) 562–9450 or e-mail marsh.nancy@epa.gov or Howard Beard, U.S. EPA at (202) 260–8796 or e-mail at beard.howard@epa.gov.

SUPPLEMENTARY INFORMATION: EPA developed underground injection control regulations for Class I wells to protect underground sources of drinking water (USDWs). These regulations, found in 40 CFR parts 144 and 146, set technical standards which would *not*

allow for the movement of *any fluids* into a USDW. Subsequent to the initial permitting of several Class I Municipal Wells in Florida, some facilities have exhibited movement of fluids into the USDW as determined through monitoring of the injection activity. The movement of fluid is thought to occur because of the unique geology in Florida. EPA is proposing a change in the regulations for Class I Municipal Wells in certain portions of Florida only. One proposed alternative to existing regulations would allow for the migration of fluids if the facilities meet certain requirements prior to injection. In the alternative, injected fluids must meet primary drinking water standards and other health based standards prior to injection or the facility must demonstrate through an engineering study that these limits would be met prior to any fluids reaching the base of the USDW. The agency is interested in soliciting ideas regarding this alternative as well as any other alternatives.

Dated: May 28, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–14355 Filed 6–4–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Deregistration from Registered Transfer Agents.

OMB Number: 3064–0027.

Annual Burden

Estimated annual number of respondents: 29.

Estimated time per response: 0.42 hours.

Average annual burden hours: 12 hours.

Expiration Date of OMB Clearance: July 31, 1999

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before July 7, 1999 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: An insured nonmember bank that functions as a transfer agent may withdraw from registration as a transfer agent by filing a written notice of withdrawal with the FDIC as provided by 12 CFR 341.5.

Dated: June 1, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–14343 Filed 6–4–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Prompt Corrective Action.

OMB Number: 3064–0115.

Annual Burden:

Estimated annual number of respondents: 10.

Estimated time per response: 4 hours.

Average annual burden hours: 40 hours.

Expiration Date of OMB Clearance: July 31, 1999.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before July 7, 1999 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The prompt corrective action provisions of FDICIA require or permit the FDIC and other federal financial regulators to take certain supervisory actions when FDIC-insured institutions fall within one of five categories. The collection consists of applications required to obtain FDIC exceptions to otherwise restricted activities.

Dated: June 1, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–14344 Filed 6–4–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Uniform Application/Uniform Termination for Municipal Securities Principal or Representative.

Form Number: MSD–4; MSD–5.

OMB Number: 3064–0022.

Annual Burden:

Estimated annual number of respondents: 75.

Estimated time per response: 1 hour.

Average annual burden hours: 75 hours.

Expiration Date of OMB Clearance: July 31, 1999.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before July 7, 1999 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: An insured state nonmember bank which serves as a municipal securities dealer must file Form MSD–4 or Form MSD–5, as applicable, to permit an employee to become associated or to terminate the association with the municipal securities dealer. FDIC uses the form to ensure compliance with the professional requirements for municipal securities dealers in accordance with the rules of the Municipal Securities Rulemaking Board.

Dated: June 1, 1999.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–14345 Filed 6–4–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 9:17 a.m. on Thursday, June 3, 1999, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate, insurance, and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice of the meeting earlier than June 2, 1999, was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: June 3, 1999.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 99–14519 Filed 6–3–99; 3:28 pm]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA–REP–10–WA–4]

Washington State Integrated Fixed Facility Radiological and Chemical Protection Plan

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: The Region X Office of FEMA gives notice that it has received radiological emergency response plans from the State of Washington. These plans support the State of Washington and include the plans of local governments near Washington Nuclear Power Plant No. 2 (WNP–2) located in Benton County, Washington. The submitted Washington State Integrated Fixed Facility Radiological and Chemical Protection Plan will be used by the State and affected counties in case of an emergency at WNP–2.

DATE PLANS RECEIVED: May 12, 1999.

ADDRESSES: Please send any comments on the plan on or before July 7, 1999 to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) 202–646–4536, or (email) *rules@fema.gov,* and to David L. de Courcy, Regional Director, FEMA Region X, 130 228th Street SW, Bothell, Washington 98021–9796, (facsimile) (425) 487–4622, or (email) *David.deCourcy@fema.gov.* Please refer to Docket File No. FEMA–REP–10–WA–4.

FOR FURTHER INFORMATION CONTACT: David L. de Courcy, Regional, FEMA Region X, 130 228th Street SW, Bothell, Washington 98021–9796, (facsimile) (425) 487–4622. Please refer to Docket File No. FEMA–REP–10–WA–4.

SUPPLEMENTARY INFORMATION: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local government's radiological emergency response plans. In support of the Federal requirement for emergency response plans, our rule, ''Review and Approval of State and Local Radiological Emergency Plans and Preparedness,'' (44 CFR 350) describes our procedures for review and approval of State and local government's radiological emergency response plans. Under 44 CFR 350.7, ''Application by State for Review and Approval,'' the State of Washington submitted its Radiological Emergency Plan for the State of Washington and affected counties to the FEMA Region X Office for review and approval under 44 CFR Part 350.

Included are radiological emergency response plans and procedures of the Washington State Departments of Agriculture, Emergency Management, and Health, as well as for local governments that are wholly or partially within the emergency planning zones of WNP–2.

Copies of the plans are available for review and copying at the FEMA Region X Office, or we will make available upon request under the fee schedule for FEMA Freedom of Information Act requests. The fee schedule is set out in Subpart C of 44 CFR Part 5. There are 221 pages in the Washington State Plan, including 174 pages of annexes and appendices.

Our rule, 44 CFR 350, also calls for a public meeting before our approval of the plans. This meeting will be held in accordance with 44 CFR 350.10 in Richland, Washington, before our approval.

Dated: May 21, 1999.

David L. de Courcy,

Regional Director.

[FR Doc. 99–14327 Filed 6–4–99; 8:45 am]

BILLING CODE 6718–06–P

FEDERAL HOUSING FINANCE BOARD

[No. 99N–5]

RIN 3069–AA84

Federal Home Loan Bank Financial Management and Mission Achievement Requirements—Staff Framework Document

AGENCY: Federal Housing Finance Board.

ACTION: Notice of availability.

SUMMARY: Staff of the Federal Housing Finance Board (Finance Board) currently is in the process of developing proposals regarding the establishment of new financial management and mission achievement requirements for the Federal Home Loan Banks (FHLBanks). These proposals will address, among other things: The responsibilities of FHLBank boards of directors and senior management for risk management, mission achievement and internal controls; FHLBank authorized investments and use of hedging instruments; risk management and capital standards for the FHLBanks; and mission achievement requirements for the FHLBanks. A broad outline of the current status of these staff proposals is set forth in a Staff Framework Document, which the Finance Board is making available through its internet website (*http://www.fhfb.gov*) in the ''What's New'' section.

The Staff Framework Document is being provided to the public for informational purposes and does not itself constitute a rulemaking or other official agency action. During the third quarter of 1999, staff intends to present a proposed rule on these issues to the Board of Directors of the Finance Board to be approved for publication for public comment. The anticipated proposed rule, if and when it is ultimately approved for publication by the Board of Directors of the Finance Board, may reflect an approach to these issues that is different from that set forth in the Staff Framework Document.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Director and Chief Economist, (202) 408–2821, Scott L. Smith, Deputy Director, (202) 408–2991, Ellen E. Hancock, Associate Director, (202) 408–2906, or Julie Paller, Senior Financial Analyst, (202) 408–2842, Office of Policy, Research and Analysis, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

Dated: May 28, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 99–14241 Filed 6–4–99; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL TRADE COMMISSION

[File No. 9823525]

Federated Department Stores, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 6, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159,600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Randall Brook, Seattle Regional Office, Federal Trade Commission, 915 Second Avenue, Suite 2896, Seattle, Wa. 98174, (206) (220–4487.

SUPPLEMENTARY INFORMATION: Purusant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comments describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 28th, 1999), on the World Wide Web, at ''http://www.ftc.gov/os/actions97.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159,600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Federated Department Stores, Inc. (''Federated''). Proposed respondent Federated conducts relevant business through, among other affiliates or subsidiaries, FDS National Bank, The Bon, Inc., Bloomingdales, Inc., Burdines, Inc., Rich's Department Stores, Inc., Macy's East, Inc., Macy's West, Inc., and Stern's Department Stores, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The Commission's complaint alleges several unfair or deceptive acts or practices related to Federated's policy of inducing consumers who have filed for bankruptcy protection to sign agreements reaffirming debts owed to Federated prior to the filing of the bankruptcy petition. The complaint charges that Federated: falsely represented to consumers that signed reaffirmation agreements would be filed with the bankruptcy courts, as required by the United States Bankruptcy Code; falsely represented to consumers that debts associated with unfiled reaffirmation agreements, or agreements that were filed but not approved by the bankruptcy courts, were legally binding on the consumers; and unfairly collected debts that it was not permitted by law to collect.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent Federated from engaging in similar acts in the future. The proposed consent order preserves the Commission's right

to seek consumer redress if the Commission determines that redress to consumers provided through related legal actions by state attorneys general and private parties is not adequate.

Part I of the proposed order prohibits Federated from misrepresenting to consumers who have filed petitions for bankruptcy protection under the United States Bankruptcy Code that (A) reaffirmation agreements will be filed in bankruptcy court; or (B) any reaffirmation agreement is legally binding on the consumer. Part I.C of the proposed order prohibits Federated from collecting any debt (including any interest, fee, charge, or expense incidental to the principal obligation) that has been legally discharged in bankruptcy proceedings and that Federated is not permitted by law to collect. Part II of the proposed order prohibits Federated from making any misrepresentation in the collection of any debt subject to a pending bankruptcy proceeding.

Part III of the proposed order contains record keeping requirements for materials that demonstrate the compliance of Federated with the proposed order. Part IV requires distribution of a copy of the consent decree to certain current and future personnel who have responsibilities related to collecting debts subject to bankruptcy proceedings.

Part V provides for notification to the Commission of any change in the respondent affecting compliance obligations arising under the order. Part VI requires the filing of compliance report(s). Finally, Part VII provides for the termination of the order after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–14247 Filed 6–4–99; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File NO. 9910024]

Kroger Co. et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 6, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Jill Frumin, FTC/S–2105, 601 Pennsylvania Avenue, N.W., Washington, D.C. 20580, (202) 326–2758.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 27th, 1999), on the World Wide Web, at ''http://www.ftc.gov/os/actions97.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or be calling (202) 326–3627.

Public comments is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)6)(ii).

Analysis of the Proposed Consent Order and the Draft Complaint To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted for public comment from The Kroger Co. (''Kroger'') and Fred Meyer Stores, Inc. (''Fred Meyer'') (collectively ''the Proposed Respondents'') an Agreement Containing Consent Order (''the proposed consent order''). The Proposed Respondents have also reviewed a draft complaint contemplated by the Commission. The proposed consent order is designed to remedy likely anticompetitive effects arising from the merger of Jobsite Holdings, Inc. (''Jobsite''), a wholly-owned subsidiary of Kroger, with and into Fred Meyer (the ''Merger''), through which Fred Meyer will become a wholly-owned subsidiary of Kroger.

II. Description of the Parties and the Proposed Acquisition

Kroger, an Ohio corporation headquartered in Cincinnati, Ohio, operates over 1,400 supermarkets in 23 states. Kroger's supermarkets operate under the ''Kroger,'' ''Fry's,'' ''Dillons,'' ''King Soopers,'' ''City Markets,'' and ''Gerbes'' trade names. In the states where Kroger competes with Fred Meyer, Kroger operates supermarkets in Arizona under the ''Fry's'' trade name and in Utah and Wyoming under the ''City Market'' and ''King Sooper'' trade names. Kroger has plans to open a supermarket in Cheyenne, Wyoming, under the ''King Sooper'' trade name. Kroger had $26.57 billion in United States revenues for the fiscal year that ended on December 27, 1997. Following the merger, Kroger will remain the largest supermarket firm in the United States.

Fred Meyer, a Delaware corporation headquartered in Portland, Oregon, operates approximately 800 supermarkets in 12 western states. Fred Meyer's supermarkets operate under the ''Smith Food & Drug Center'' trade name in Arizona, Utah, and Wyoming, as well as the ''Fred Meyer'' trade name in Arizona and Utah, and the ''Price Rite'' trade name in Arizona. Fred Meyer had $14.88 billion in total sales for the fiscal year that ended on January 31, 1999.

Pursuant to the Merger proposed by Kroger and Fred Meyer, Jobsite will merge with and into Fred Meyer and Fred Meyer will become a wholly-owned subsidiary of Kroger. As a result of the Merger, Fred Meyer's outstanding shares of common stock will be extinguished and the holder of each such share will be entitled to receive

one newly-issued share of common stock of Kroger in exchange for each extinguished share of Fred Meyer common stock. The total equity value of the proposed merger is approximately $15 billion.

III. The Draft Complaint

The draft complaint alleges that the relevant line of commerce (*i.e.*, the product market) is the retail sale of food and grocery items in supermarkets. Supermarkets provide a distinct set of products and services for consumers who desire to one-stop shop for food and grocery products. Supermarkets carry a full line and wide selection of both food and nonfood products (typically more than 10,000 different stock-keeping units (''SKUs'')), as well as a deep inventory of those SKUs. In order to accommodate the large number of food and nonfood products necessary for one-stop shopping, supermarkets are large stores that typically have at least 10,000 square feet of selling space.

Supermarkets compete primarily with other supermarkets that provide one-stop shopping for food and grocery products. Supermarkets primarily base their food and grocery prices on the prices of food and grocery products sold at other nearby supermarkets. Supermarkets do not regularly price-check food and grocery products sold at other types of stores, and do not significantly change their food and grocery prices in response to prices at other types of stores. Most consumers shopping for food and grocery products at supermarkets are not likely to shop elsewhere in response to a small price increase by supermarkets.

Retail stores other than supermarkets that sell food and grocery products, such as neighborhood ''mom & pop'' grocery stores, convenience stores, specialty food stores (*e.g.*, seafood markets, bakeries, etc.), club stores, military commissaries, and mass merchants, do not effectively constrain prices at supermarkets. These other stores operate significantly different retail formats. None of these stores offers a supermarket's distinct set of products and services that enable consumers to one-stop shop for food and grocery products.

According to the draft complaint, the relevant sections of the country (i.e., the geographic markets) in which to analyze the acquisition are the areas in and near the following cities and towns: (a) Prescott, Arizona; (b) Sierra Vista, Arizona; (c) Yuma, Arizona; (d) Cheyenne, Wyoming; (e) Green River, Wyoming; (f) Rock Springs, Wyoming; and (g) Price, Utah.

Kroger and Fred Meyer are actual and direct competitors in and near Prescott, Sierra Vista, Yuma, Green River, Rock Springs, and Price. Kroger is an actual potential competitor against Fred Meyer in and near the Cheyenne relevant market. But for the acquisition, Kroger and Fred Meyer would become direct competitors in the Cheyenne relevant market. The acquisition will eliminate that competition.

According to the draft complaint, the Prescott, Sierra Vista, Yuma, Arizona; Green River, Rock Springs, Wyoming; and Price, Utah, relevant markets are highly concentrated, whether measured by the Herfindahl-Hirschman Index (commonly referred to as ''HHI'')[1] or by two-firm and four-firm concentration ratios. The acquisition would substantially increase concentration in each market. Kroger and Fred Meyer would have a combined market share of near or greater than 35% in each geographic market. The post-acquisition HHIs in the geographic markets range from 2,793 to 10,000.

The draft complaint further alleges that the Cheyenne, Wyoming, relevant market is also highly concentrated. The market will remain highly concentrated as a result of this acquisition, and will be significantly more concentrated than it would have been but for the acquisition.

According to the draft complaint, entry is difficult and would not be timely, likely, or sufficient to prevent anticompetitive effects in the relevant geographic markets.

According to the draft complaint, the Agreement and Plan of Merger between Kroger and Fred Meyer, pursuant to which Jobsite will merge with and into Fred Meyer and Fred Meyer will become a wholly-owned subsidiary of Kroger, may substantially lessen competition in the relevant markets in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by eliminating direct competition between supermarkets owned or controlled by Kroger and supermarkets owned or controlled by Fred Meyer; by eliminating actual potential competition between supermarkets owned or controlled by Kroger and supermarkets owned or controlled by Fred Meyer; by increasing the likelihood that Kroger will unilaterally exercise market power; and by increasing the likelihood of, or facilitating, collusion or coordinated interaction among the remaining supermarket firms. Each of these effects increases the likelihood that the prices of food, groceries, or services will increase, and the quality and selection of food, groceries, or services will decrease, in the relevant sections of the country.

IV. Terms of the Proposed Consent Order

The proposed consent order will remedy the Commission's competitive concerns about the proposed acquisition. Under the terms of the proposed consent order, the Proposed Respondents must divest eight specific supermarkets in the relevant markets. Five of the supermarkets that the Proposed Respondents must divest are currently owned and operated by Kroger (of which two operate under the ''Fry's'' banner and three operate under the ''City Market'' banner), and three of the supermarkets are currently owned and operated by Fred Meyer (all of which operate under the ''Smith's'' banner). The Proposed Respondents must divest: (1) Two Fred Meyer ''Smith's'' in Cheyenne, Wyoming, to Nash-Finch Company (''Nash-Finch''), one of the largest food wholesalers in the United States and an operator of many company-owned supermarkets; (2) one Kroger ''City Market'' in Price, Utah, to Albertson's, Inc., one of the largest retail food and drug chains operating in the United States; and (3) two Kroger ''Fry's,'' two Kroger ''City Markets,'' and one Fred Meyer ''Smith's'' in various locations to Fleming Companies, Inc. (''Fleming''), the second-largest supermarket wholesaler in the United States and an operator of many company-owned supermarket. These divestitures include every Kroger supermarket or every Fred Meyer supermarket in each relevant market. Each upfront buyer owns no supermarkets in the same market where it is acquiring one or more divested supermarkets from the Proposed Respondents. The specific supermarkets that the Proposed Respondents must divest to Nash-Finch, Albertson's, and Fleming are listed below.

The two supermarkets that the Proposed Respondents must divest to Nash-Finch in accordance with the agreement between Kroger and Nash-Finch dated March 31, 1999, are:

1. Smith's store no. 175 operating under the ''Smith's Food & Drug Centers'' trade name, located at 1600 E. Pershing Blvd., Cheyenne, Wyoming 82001 (Laramie County); and

2. Smith's store no. 176 operating under the ''Smith's Food & Drug Centers'' trade name, located at 3745

[1] The HHI is a measurement of market concentration calculated by summing the squares of the individual market shares of all the participants.

East Lincoln Way, Cheyenne, Wyoming 82001 (Laramie County).

The one supermarket that the Proposed Respondents must divest to Albertson's in accordance with the agreement between Kroger and Albertson's dated March 31, 1999, is:

1. Kroger store no. 27 operating under the ''City Market'' trade name, located at 760 Price River Dr., Price, Utah 84501 (Carbon County).

The five supermarkets that the Proposed Respondents must divest to Fleming in accordance with the agreements between Kroger and Fleming dated March 31, 1999, and April 7, 1999, are:

1. Kroger store no. 24 operating under the ''City Market'' trade name, located at 401 N. Center, Rock Springs, Wyoming 82901 (Sweetwater County);

2. Kroger store no. 23 operating under the ''City Market'' trade name, located at 400 Uinta Drive, Green River, Wyoming 82935 (Sweetwater County);

3. Kroger store no. 9 operating under the ''Fry's'' trade name, located at 1519 W. Gurley Street, Prescott, Arizona 86305 (Yavapai County);

4. Smith's store no. 305 operating under the ''Smith's Food & Drug Centers'' trade name, located at #85 South Hwy. 92, Sierra Vista, Arizona 85635 (Cochise County); and

5. Kroger store no. 47 operating under the ''Fry's'' trade name, located at 2600 W. 16th Street, Yuma, Arizona 85364 (Yuma County).

From the time Jobsite merges with and into Fred Meyer until the divestitures have been completed, the Proposed Respondents are required to maintain the viability, competitiveness, and marketability of the assets to be divested, must not cause their wasting or deterioration, and cannot sell, transfer, or otherwise impair their marketability or viability.

The proposed consent order specifically requires that the divestitures occur no later than twenty days after Jobsite merges with and into Fred Meyer and Fred Meyer becomes a wholly-owned subsidiary of Kroger or four months after the Proposed Respondents signed the proposed consent order (April 29, 1999), whichever is earlier. The proposed consent agreement also requires Kroger to include rescission provisions in its upfront buyer agreements that allow it to rescind the transaction(s) if the Commission, after the comment period, decides to reject any of the upfront buyers. If Kroger divests the supermarkets to be divested prior to the date the proposed consent order becomes final, and if, at the time the Commission decides to make the proposed consent order final, the Commission notifies Kroger that any of the upfront buyers is not an acceptable acquirer or that any of the upfront buyer agreements is not an acceptable manner of divestiture, then Kroger must immediately rescind the transaction in question and divest those assets within three months after the proposed consent order becomes final. At that time, Kroger must divest those assets only to an acquirer that receives the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. In the event that any Commission-approved buyer is unable to take or keep possession of any of the supermarkets identified for divestiture, a trustee that the Commission may appoint has the power to divest any of the supermarkets or properties in the markets alleged in Paragraph 13 of the complaint that the Proposed Respondents own to remedy the anticompetitive effects alleged in the complaint.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the acquisition. When divestiture is an appropriate remedy for a supermarket merger, the Commission requires the merging parties to find a buyer for the divested stores. A proposed buyer must not itself present competitive problems. For example, the Commission is less likely to approve a buyer that already has a large retail presence in the relevant geographic area than a buyer without such a presence. The Commission is satisfied that the purchasers presented by the parties are well qualified to run the divested stores and that divestiture to these purchasers poses no separate competitive issues.

For a period of ten years from the date the proposed consent order becomes final, Kroger is required to provide notice to the Commission prior to acquiring supermarket assets located in, or any interest (such as stock) in any entity that owns or operates a supermarket located in, Cochise, Yavapai, or Yuma counties, Arizona; Laramie or Sweetwater counties, Wyoming; or Carbon County, Utah. Kroger may not complete such an acquisition until it has provided information requested by the Commission. This provision does not restrict Kroger from constructing new supermarket facilities on its own; or does it restrict Kroger from leasing facilities not operated as supermarkets within the previous six months.

For a period of ten years, the proposed consent order also prohibits Kroger from entering into or enforcing any agreement that restricts the ability of any person that acquires any supermarket, any leasehold interest in any supermarket, or any interest in any retail location used as a supermarket on or after January 1, 1998, to operate a supermarket at that site if such supermarket was formerly owned or operated by Kroger in Cochise, Yavapai, or Yuma counties, Arizona; Laramie or Sweetwater counties, Wyoming; or Carbon County, Utah. In addition, Kroger may not remove fixtures or equipment from a store or property owned or leased in Cochise, Yavapai, or Yuma counties, Arizona; Laramie or Sweetwater counties, Wyoming; or Carbon County, Utah, that is no longer in operation as a supermarket, except (1) prior to a sale, sublease, assignment, or change in occupancy or (2) to relocate such fixtures or equipment in the ordinary course of business to any other supermarket owned or operated by Kroger.

The Proposed Respondents are required to provide to the Commission a report of compliance with the proposed consent order within thirty days following the date on which they signed the proposed consent and every thirty days thereafter until the divestitures are completed. Kroger is required to provide to the Commission a report of compliance annually for a period of ten years. The obligations of Jobsite under the proposed consent order will terminate upon consummation of the proposed acquisition.

V. Opportunity for Public Comment

The proposed consent order has been placed on the public record for 60 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 60 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make the proposed consent order final.

By accepting the proposed consent order subject to final approval, the Commission anticipates that the competitive problems alleged in the complaint will be resolved. The purpose of this analysis is to invite public comment on the proposed consent order, including the proposed sale of supermarkets to Nash-Finch, Alberton's, and Fleming, in order to aid the Commission in its determination of whether to make the proposed consent order final. This analysis is not intended to constitute an official interpretation of the proposed consent order nor is it

intended to modify the terms of the proposed consent order in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–14246 Filed 6–4–99; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99089]

Notice of Availability of Funds; Technology Translation and Transfer of Effective HIV Behavioral Interventions; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program for the technology translation and transfer of effective HIV prevention behavioral interventions. This program addresses the ''Healthy People 2000'' priority area for Human Immunodeficiency Virus (HIV) Infection.

HIV/AIDS researchers have developed and tested prevention interventions that aim to reduce sex-related and drug-related risk behaviors. A number of these interventions have credible evidence of effectiveness, defined as reporting positive and significant results on an HIV-relevant behavioral or health outcome. The purposes of this project are to:

(1) Translate effective HIV prevention interventions whose original research was conducted with methodological rigor, preferably at multiple sites with multiple populations at risk;

(2) Develop packages of materials in collaboration with health departments, community-based organizations, and/or other prevention providers and consumers, that prevention providers can use to replicate the interventions in non-research field situations; and

(3) Study the process of technology transfer, using the prevention packages in at least one field setting supported by training, quality assurance, and technical assistance.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local health departments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations.

Note: Pub. L. 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $350,000 is available in FY 1999 to fund approximately two awards. The average award will be $175,000 and the range will be $150,000 to $200,000. It is expected that the awards will begin on or about September 30, 1999, and will be made for a 12-month budget period within a project period of up to two years. Funding estimates may vary and are subject to change based on availability of funds. An application requesting greater than $200,000 (including indirect costs) will not be considered for review and will be returned to the applicant.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds. Continued funding for year two will be dependent on the completion of required activities for year one.

Use of Funds

Collection of new or supplemental intervention research data, data entry and analysis, purchase of furniture or computers, and rental of facilities will not be funded under this program.

D. Program Requirements

In conducting activities to achieve the purpose of this announcement, the recipient will be responsible for the activities under 1, Recipient Activities, and CDC will be responsible for the activities listed under 2, CDC Activities.

1. Recipient Activities

The program requirements for the first year of activity are:

a. Develop the (1) intervention portion of the prevention package and (2) preliminary versions of the training materials and technical assistance protocols to guide the field site implementation and produce a limited number of prevention packages.

b. Identify at least one organization or field setting for the case study.

c. Develop a process evaluation plan.

Recipient activities for the second year of activity include: Initiate and complete the field site case study, initiate and complete the process evaluation, and revise training materials based upon the case study results. The program requirements for the second year include publishing and distributing results.

2. CDC Activities

a. Host a meeting with the successful applicants within 60 days of the notice of grant award to discuss implementation of the project.

b. Provide technical assistance in the general operation of this HIV prevention project.

c. Consult on the choice of user for a case study with the prevention package.

d. Monitor and evaluate scientific and operational accomplishments of this project through frequent telephone contact and review of technical reports and interim data analyses.

e. Conduct site visits to assess program progress and mutually solve problems, as needed.

E. Application Content

Develop applications in accordance with PHS Form 5161–1 (OMB Number 0937–0189) and the instructions and format provided below.

Submit the original and two copies of PHS Form 5161–1 (OMB Number 0937–0189) and the original and two copies of the application. The application may not exceed 20 double-spaced pages, excluding abstract, table of contents, and appendices. Submit the original and each copy of the application *Unstapled Unbound*. Print all material double-spaced, in a 12-point or larger font size on 8 ½″ by 11″ paper, with at least 1″ margins, and printed on one side only. Provide a one-page abstract of the proposal and a complete table of contents to the application and its appendices. Beginning with the first page of text, number all pages clearly and sequentially. Number each page of the appendices also, e.g., for Appendix # 1, the pages should be numbered: A1–1, A1–2, A1–3. Replace double-sided article reprints with a one-sided copy.

Include a general introduction, followed by one narrative subsection for each of the numbered content elements per application, in the order in which the elements appear below. Label each narrative subsection with the element title and include all the information needed to evaluate that element of the application (except for curriculum vitae, references, and letters of support, which are appropriate for the appendices). The application content elements are:

1. Effective Behavioral Intervention

a. Identify the principal investigator(s) and name and location of the agency(ies) that originally developed, conducted, and evaluated the intervention research. Indicate whether the study was part of a multi-site project with multiple populations at risk.

b. Provide letters of support from original developers of the intervention other than the applicant (e.g., PIs at the other sites) indicating their intent to collaborate on a section of the intervention materials that will discuss generalizability of the intervention to other target populations or settings.

c. Where the applicant is not an original developer of the intervention, provide written permission from the intervention's original developers to develop and market materials for the prevention package.

d. Describe the study's positive results on behavioral or health outcomes, including how these results are both statistically and practically significant.

e. Include in the appendix a copy of any reports, that have been submitted for publication or published in peer reviewed journals, describing the study design and the positive behavioral or health outcomes of the intervention. This portion of the appendix should be labeled as ''Intervention Study Design and Results.''

f. Substantiate the need for a prevention package in terms of risk of target population and potential for generalizability to other target groups.

g. Describe the feasibility of implementation by other organizations, particularly those with limited resources.

2. Prevention Package

a. Describe the prevention package. Include descriptions of:

(1) The overall concept, format, and objectives, e.g., appropriateness for intended audience, description of intervention and the science behind it, target populations for whom the intervention would be appropriate;

(2) Pre-implementation phase, e.g., core elements related to this phase, time line of necessary steps, collaborators, training materials, material resources, facilities, staff (numbers, time, and skills), and cost categories for conducting the intervention;

(3) Implementation phase, e.g., core elements related to this phase, protocols for implementing the intervention and ensuring quality and consistency and providing technical assistance, identification of barriers to implementation and how they may be overcome, and process evaluation methods; and

(4) Maintenance phase, e.g., core elements related to this phase, how to deal with issues of staff turnover and retraining.

b. Explain how staff from HIV prevention programs (e.g., health departments and CBOs, and consumers) will be involved in the development of the package. Describe the planned procedures for how these collaborators will be identified.

c. Present a time line for developing the prevention package.

3. Plan To Identify Field Site(s) To Implement the Package in Year Two

a. Discuss a plan to identify and recruit potential users within your state (i.e., where the training and implementation and evaluation will be feasible within the budget constraints) and indicate any which already have shown interest in or may be interested in implementing this intervention.

b. Elaborate on the criteria and mechanism for selecting the user(s) who will implement the package.

Note: The agency that originally conducted the intervention is excluded from consideration as a potential user, as is any agency that currently or previously implemented the intervention.

4. Strategy to Assist Implementation

a. Describe the strategy to facilitate implementation of the package, including provision of training and direct technical assistance from the recipient to the selected user(s) and plans for assisting selected user(s) find additional funds, if relevant.

b. Discuss procedures to assist user(s) to implement the package, drawing upon the user's existing staff and resources, and to identify barriers to implementation and how to overcome them.

5. Plan To Evaluate the Implementation Process

a. Describe methods and measures to be used in assessing (1) Maintenance of the core elements during the intervention phases as specified in the prevention package, (2) quality of intervention delivery according to the methods described in the package, (3) quality of recipient's technical assistance and its delivery, (4) the impact of barriers to implementation on the case study (e.g., accuracy of record keeping, user's employee recruitment and retention, participant recruitment), (5) effectiveness of solutions to barriers, (6) costs of intervention delivery and cost containment strategies, and (7) maintenance of collaborative relationships. No behavioral or health outcomes are to be evaluated.

b. Describe plan to use the process evaluation results in finalizing the prevention package.

6. Capacity, and the Degree to Which the Applicant has met the CDC Policy Requirements Regarding the Inclusion of Women, Ethnic, and Racial Groups in the Proposed Research.

a. Demonstrate capacity to conduct the proposed activities including the process evaluation.

b. Clearly describe the proposed staffing, e.g., show percentages of each staff member's commitment to this and other projects, the division of duties and responsibilities for this project, brief position descriptions for existing and proposed personnel, and any partnerships with HIV prevention programs.

c. Demonstrate that the staff have the expertise to complete this project, including ability to produce the intervention package, e.g., include examples of previously developed fact sheets, web sites, or samples from other intervention packages.

d. Name the staff members who are key to the completion of the project. Provide a brief description of the strengths each brings to this project. Include their curriculum vitae in the appendix.

e. Describe access to graphics expertise for production and editing of the intervention package.

f. Describe equipment and facilities to be used for the proposed activities.

g. Briefly describe compliance regarding the inclusion of women, ethnic, and racial groups in the proposed activities.

7. Budget

Provide a detailed, line-item budget for the project; justify each line-item. Plan for at least two trips to Atlanta to meet with CDC representatives.

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are in the application kit. On or before July 20, submit the application to: Brenda Hayes, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement 98089, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, NE, Room 3000, Atlanta, Georgia 30341–4146.

If your application does not arrive in time for submission to the independent review group, it will not be considered in the current competition unless you can provide proof that you mailed it on or before the deadline (i.e., receipt from U.S. Postal Service or a commercial

carrier; private metered postmarks are not acceptable).

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Effective Behavioral Intervention (20 Percent)

Clear demonstration of the effectiveness of the proposed intervention in a report that has been submitted for publication or has been published in a peer-reviewed journal. This is an absolute criterion. To be considered effective the intervention must have been tested using a control or comparison group with participants assigned randomly or without bias to study conditions, the data collection and analyses are completed, and the findings show significant positive results for changing HIV risk behavior or health outcomes. If this evidence is present, also consider:

a. The original research with this intervention was conducted and completed preferably with multiple target populations at multiple sites, especially with persons at increased risk of HIV infection.

b. The applicant addresses the feasibility of implementing the prevention package by organizations with limited resources.

2. Prevention Package (15 Percent)

Level of detail in the outline of the proposed package, for pre-implementation, implementation, and maintenance phases, e.g., for materials for the package itself, for training, and for technical assistance protocols. Clarity of described format, concepts, intended audiences, and objectives. Justification of the appropriateness of the package's objectives, format, and concepts to the intended users' needs and capabilities. Adequacy of planned input from HIV prevention programs into the development of the package. Adequacy of planned materials' review, pretesting, and revision. Adequacy of time scheduled for completing the proposed steps of the package's development.

3. Plan To Identify Field Site(s) To Implement the Package (10 Percent)

Recognition of which agencies are not eligible to implement the package. Quality of plan to identify eligible potential users which target populations for whom the intervention is appropriate and interest them in adopting the package during year two of the project. Selection of active methods to identify and solicit potential users. Adequacy of criteria and mechanism for selecting the users to implement the package in year two.

4. Strategy To Assist Implementation (15 Percent)

Clarity of the strategy to assist selected users in adopting and implementing the behavioral intervention, e.g., training plan. Understanding of barriers to implementation and how to overcome them. Plan to assist selected users in implementing the intervention by using their existing resources and staff, e.g., provision of on-call technical assistance. Plan to help selected users find additional funds for implementing the package, if relevant.

5. Plan To Evaluate Implementation Process (15 Percent)

Feasibility and appropriateness of the applicant's plan to evaluate the selected user's implementation of the intervention as specified in the replication package. Thorough and realistic selection of process measures to evaluate.

6. Demonstrated Capacity, and the Degree to Which the Applicant Has Met the CDC Policy Requirements Regarding the Inclusion of Women, Ethnic, and Racial Groups in the Proposed Research (25 Points)

a. Demonstrated Capacity.

Overall ability of the applicant to perform the proposed activities as reflected in their staff's and consultants' qualifications and availability. The extent to which the applicant demonstrates that proposed staff have experience with materials development and demonstrated familiarity with HIV behavioral interventions, particularly the intervention to be packaged. The nature of any partnership between researchers and HIV prevention programs. Adequacy of existing support staff, equipment, and facilities.

b. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research includes:

1. The proposed plan for the inclusion of both women and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is adequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

7. Does the Application Adequately Address the Requirements of Title 45 CFR Part 46 for the Protection of Human Subjects?

____Yes ____No

Comments: _____

8. Budget (Not Scored)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds. Extent to which the budget includes itemizations, justifications, scope, and deliverables for consultants or contractors.

H. Other Requirements

1. Technical Reporting Requirements

An original and two copies of semi-annual progress reports are required. Timelines for the semi-annual reports will be established at the time of award. Final financial status and performance reports are required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Branch, CDC.

At the completion of two years of funding, recipients will be expected to share prevention packages with representatives of the original agencies that conducted the interventions on which the products are based, if different from those of the recipient.

The following additional requirements are applicable to this program. For a complete description of each, see Attachments in the application kit.

AR98–1 Human Subjects Requirements
AR98–2 Requirements for Inclusion of Women, Racial and Ethnic Minorities in Research
AR98–4 HIV/AIDS Confidentiality Provisions
AR98–5 HIV Program Review Panel Requirements
AR98–7 Executive Order 12372 Review
AR98–8 Public Health System Reporting Requirements
AR98–9 Paperwork Reduction Act Requirements
AR98–10 Smoke-Free Workplace Requirements
AR98–11 Healthy People 2000
AR98–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301 and 317(k), of the Public Health Service Act [42 U.S.C. 241 and

247b(k)], as amended. The Catalog of Federal Domestic Assistance number is 93.941.

J. Where To Obtain Additional Information

To receive additional written information and to request an application kit, call 1–888-Grants4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. Please refer to Program Announcement 99089 when you request information. See also the CDC home page on the Internet: http://www.cdc.gov. You may view or download this and other Program Announcements, and download application forms at this site.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Brenda Hayes, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement 98089, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, NE, Room 3000, Atlanta, GA 30341, telephone (770) 488–2720, Email: bkh4@cdc.gov.

For program technical assistance, contact: Robert Kohmescher, Division of HIV/AIDS Prevention, National Center for HIV/STD/TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mailstop E–37, Atlanta, GA 30333, telephone (404) 639–1914, Email: rnk1@cdc.gov.

Please refer to Announcement number 99089 when requesting information and submitting an application.

Dated: June 1, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–14280 Filed 6–4–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99098]

Strengthening HIV/AIDS and STD Prevention Through Use of Behavioral Data in Programmatic Decision Making; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for competitive cooperative agreement awards to (1) Better understand state and local decision-making processes that involve the use of HIV- and STD-related behavioral data, and (2) enhance the availability and utilization of high-quality HIV/STD behavioral data for meeting the needs of HIV/AIDS and STD prevention program planners. Use of scientifically credible behavioral data is expected to strengthen HIV/AIDS/STD prevention by enhancing decision makers' ability to target priority populations, precisely design programs that address local HIV risk factors, and respond quickly to changing prevention needs within their jurisdictions. This Program Announcement addresses the Healthy People 2000 priority areas of (18) HIV infection, (19) Sexually Transmitted Diseases, and (22) Surveillance and Data Systems.

Effective HIV/AIDS and STD prevention programs include the development, implementation, and evaluation of HIV behavioral risk-reduction interventions that address the specific needs of at-risk populations within their communities. To help achieve these objectives, public health decision makers need accurate, timely, and relevant data about HIV/STD risk behaviors and their determinants for groups within their jurisdictions. However, in some jurisdictions, HIV/STD behavioral risk data may be incomplete, unavailable, of poor quality, or out of date. In other areas, useful data are available but may not be effectively used in HIV and STD prevention program planning.

This process is intended to support research to answer several overarching questions: (1) How are HIV/AIDS/STD prevention decisions made? (2) How do behavioral data currently inform these decisions? (3) What gaps currently exist with respect to the match between available behavioral data and current decision-making needs? (4) What data and analyses can address key program decisions for setting community HIV/STD prevention priorities? (5) How can decision makers make better use of existing data? (6) In what measurable ways can HIV/STD prevention programs be improved by enhancements in the capacity of local decision makers to use behavioral data?

B. Eligible Applicants

Assistance will be provided only to the health departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. In consultation with States, assistance may be provided to political subdivisions of States.

C. Availability of Funds

Approximately $600,000 is available in FY 1999 to make up to 3 awards. CDC anticipates that the average award amount will range from $180,000 to $220,000 for the first year of the project. An application requesting more than $220,000 (including indirect costs) will not be considered for review and will be returned to the applicant. Awards are expected to begin on or about September 30, 1999. Initial awards will be made for a 12-month budget period, with support anticipated for a project period of up to 4 years. Limited funds are anticipated to be available for the fourth year to support dissemination. These estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may not be used to support laboratory testing; salary for medical personnel to perform clinical services; pharmaceuticals; or facility rental.

D. Program Requirements

In conducting activities to achieve the purpose of this Program Announcement, recipients will be responsible for activities under ''Recipient Activities,'' and CDC will be responsible for the activities under ''CDC Activities'' listed below.

1. Recipient Activities

a. Phase I: Baseline Study Phase: Design and conduct a baseline study that systematically describes current HIV and STD prevention program decision-making processes in your jurisdiction, with specific attention to behavioral data. Focus should be on decision making by health departments and associated community planning groups and on the data used to support these purposes. Include evaluation of the data for decision making purposes in terms of its availability, scientific quality, and utility. Note gaps in data quality, availability, or interpretability that constrain decision making.

b. Meetings and Collaboration: Meet and collaborate with other recipients and CDC staff in the design, revision, and implementation of all aspects of the

project. Meetings will occur twice yearly.

c. Phase II: Intervention Activities: Design and implement activities to address the quality, availability, interpretation, or application of behavioral data with respect to the jurisdiction's HIV/STD prevention needs. Activities should address data gaps or barriers to data utilization identified in the baseline study.

d. Evaluation: Evaluate the effects of intervention activities on jurisdictional HIV/STD program decision making and associated outcomes, including changes in policy, service delivery, resource allocation, or risk behavior monitoring.

e. Dissemination of Findings: Disseminate findings of the baseline and intervention studies in peer-reviewed scientific journals and at professional and community meetings.

f. Obtain Permissions and Consent: Obtain all needed permissions, consent, and reviews for carrying out project activities, including Institutional Review Board (IRB) clearances at the local level and provide documentation and materials necessary for review and approval by CDC IRB.

2. CDC Activities

a. Assist recipients in the design, revision, and implementation of all project protocols:

(1) Host an initial meeting to review and coordinate proposals and conduct subsequent follow up meetings.

(2) Conduct site visits, as needed, for each recipient. Monitor site activities and progress toward meeting project objectives.

(3) Work with recipient staff, as needed, to resolve research and implementation issues related to project protocols. This includes the provision of technical assistance during the baseline study and the intervention phase.

b. Provide general project oversight:

(1) Review and assist with or provide guidance on behavioral surveys, sampling, questionnaire design, rapid assessment methodologies, data analysis techniques, and ethnographic methodologies, as well as other elements of protocol design or methods.

(2) Participate in analysis of data gathered from program activities; assist in reporting and disseminating results.

(3) Conduct site visits, as needed, to assess program progress and evaluate progress reports to ensure that objectives are being accomplished and terms and conditions of the award are being met.

(4) Assist in development of research protocols resulting from this project that are subject to Institutional Review Board (IRB) review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on an annual basis until the research project is completed.

E. Application Content

Submit a proposal that includes plans for addressing all activities outlined in the program requirements section. The application may not exceed 30 double-spaced pages, excluding table of contents, abstract, and appendices (appendices are the appropriate location for references, publications, resumes, MOA, sample reports, and other supportive documents). Print all materials double-spaced, in a 12 point or larger font size, on one side of 8½'' by 11'' paper with at least 1'' margins. Number each page. Submit your application unbound and unstapled. Applications that exceed the 30-page limit, excluding attachments, will not be reviewed and will be returned to the applicant.

Achieving the main objectives of this project will require participation from HIV community planning groups and may benefit from the participation of academic researchers, particularly in areas such as decision making models, development of new data systems, and specialized data management or analysis functions. Therefore, applicants should demonstrate evidence of strong collaborative partnerships among these parties. Memoranda of agreement (MOA) showing existence of, or intent to collaborate with the applicant must accompany the proposal for funding. MOA should delineate the specific roles and activities to be performed by the collaborating partners.

Use the following outline to organize their proposals:

1. *Title and Abstract:* The title and abstract should be a clear 1-page summary of the applicant's proposal.

2. *Background:* Describe the HIV/AIDS epidemic in your jurisdiction, recent STD epidemiology, and the programmatic responses, i.e., funding priorities and prevention efforts. Whenever possible, cite specific data and sources referenced, e.g., epidemiologic characteristics, behavioral risk factors, or documented community conditions that place groups at elevated HIV/STD risk within the jurisdiction. Note changes in HIV/STD prevalence and incidence rates, with special attention to populations that have recently emerged as a major focus of programmatic intervention. Finally, describe the characteristics of HIV and STD prevention programs developed over the past 5 to 10 years within the jurisdiction.

3. *Assessment of Existing Data:* Describe current content, utility, adequacy, and scientific merit (e.g., reliability, validity, sampling methodology) of behavioral data available to the applicant. Also describe uses of these data in HIV program decision making. Provide similar descriptions for relevant sources of biomedical or other epidemiological data for use in local HIV and STD prevention decision making. Relevant CDC-sponsored data sources, as well as data from academic sources, vital statistics registries, census data, or case data from other public agencies should be included, as appropriate.

4. *Phase I: Baseline Study Phase: Describe:*

a. The proposed baseline study to examine HIV and STD prevention program decision making, with particular attention given to the current use of behavioral data, as well as other data types. For the purposes of this study, ''decision making'' is defined as those activities that involve program planning, development, monitoring, and evaluation, as well as allocation of financial, personnel, and material resources. Similarly, ''decision makers'' include those individuals or groups within the jurisdiction who have authority for determining how these actions are carried out in HIV and STD prevention programs. Describe who the key decision makers are in the locality and provide a summary of their responsibilities within their respective groups or organizations.

b. Key decision making factors and how they will be measured.

c. The overall research design to be used for the baseline study.

d. Approaches for identifying the role behavioral data currently have in decision making, as well as ways to identify potential gaps or needs related to behavioral data and HIV prevention in the jurisdiction. If formal or theoretical models of decision making are proposed, describe them and cite appropriate literature in the list of references.

e. Evaluate existing sources of data, particularly behavioral data, in terms of availability, scientific quality, timeliness, ease of analysis and interpretation, as well as utility for prevention program decision making.

f. Plans for using baseline study results to develop a descriptive or empirical decision-making model for the jurisdiction that incorporates better utilization of behavioral data.

g. All data collection methods and instruments to be used.

h. Anticipated approaches to data management, specific analysis techniques, and software tools.

5. *Phase II: Intervention Phase:* Describe:

a. The anticipated study design for addressing potential gaps or needs identified during the baseline study, e.g., pre and post-intervention comparison, quasi-experimental, experimental.

b. The anticipated features of the intervention activities, i.e., what steps are anticipated for enhancing the availability, quality, or use of behavioral data in decision making.

c. How intervention activities are to be carried out.

d. Key decision makers.

e. Anticipated barriers and facilitators of data use.

f. All assessment or evaluation methods and instruments to be used to assess the effects of these intervention activities on HIV and STD prevention program decision making, e.g., sampling, procedures for review of archival documents, key informant interviews, ethnographic observation, surveys, or other methods.

g. How changes in key-decision making variables will be measured in relation to anticipated changes in the quality, availability, or use of behavioral data.

h. Plans for data management, specific analysis techniques, and software tools.

i. How the methods, variables, and instruments used during the intervention (including evaluation) will provide comparability with methods, variables, and instruments used in the baseline study.

6. *Staffing Plan and Organizational Commitment:* The application should:

a. Explain the proposed staffing plan and organizational commitment for the baseline and the intervention phases, including the percentage of time each staff member will commit to the project.

b. Provide evidence that the proposed staff have the capacity and experience to conduct all the proposed activities.

c. Include copies of curriculum vitae for the staff in the appendix of the proposal.

d. Include copies of previous staff publications in the appendix, if relevant.

e. Provide evidence of strong collaborative partnerships between HIV prevention program decision makers, community planning groups, and academic researchers. Describe collaborations in detail, and provide signed and dated copies of MOA and letters of support between participating partners.

7. *Dissemination Plan:* Describe plans for disseminating findings from the baseline study and the intervention through peer-reviewed scientific journals and presentation to appropriate professional and community audiences. Meetings such as the CDC-sponsored HIV Prevention Summit, as well as more academic meetings, should be considered.

8. *Time Line:* Provide a detailed time line for completion of all the proposed activities, including anticipated meetings with other recipients and CDC staff. It is expected that the baseline study will require 9–12 months, while implementation, evaluation, and dissemination of the intervention activities and associated findings will require the remainder of the 4-year project period.

9. *Permissions and Human Subjects:* Describe plans for obtaining all formal permissions and reviews needed for carrying out project activities, including human subjects protection (Institutional Review Board) plans, as well as procedures for safeguarding data collected during the project. Application adequately addresses the requirements of 45 CFR part 46 for the protection of human subjects. Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research are met. Documentation of study design adequacy measure group differences is present. Documentation of recruitment and outreach plans for study participants includes the process of establishing partnerships with community(ies) and recognition of mutual benefits.

10. *Budget:* Provide a detailed, line-item budget for carrying out all proposed activities, including travel expenses for meetings with other recipients and CDC staff and a budget narrative that justifies each line item.

F. Submission and Deadline

Submit the original and two copies of the complete application along with Form PHS 5161–1 (OMB Number 0937–0189). On or before July 20, 1999, submit the application to: Brenda Hayes, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Mail Stop E–15, Atlanta, GA 30341–4146.

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 in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or 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 that do not meet these criteria are considered to be late, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background (10 Points)

a. Quality, completeness, and specificity of the description of HIV/AIDS and STD epidemiology within the applicant's jurisdiction.

b. Quality, completeness, and specificity of the description of programmatic response to prevention needs over the past 5 to 10 years.

c. Adequacy of appropriate supporting data and reference citations.

2. Assessment of Existing Data (10 Points)

Quality, completeness, and specificity of the description of the content, utility, and adequacy of existing behavioral data for the applicant's jurisdiction, along with known uses of these data in current HIV program decision making. Similar descriptions of other data, such as biomedical or epidemiological information used in HIV and STD program decision making. Appropriate sources should be cited in the references.

3. Phase I: Baseline Study Plans (25 Points)

a. Clarity, completeness, and scientific quality of the plans to conduct a baseline study on how behavioral and other types of data are used in local HIV and STD prevention program decision making.

b. Clarity, scientific credibility, and feasibility of plans for all baseline study components including overall research design; sampling plan; methods and data collection protocols and instruments; description and measurement of key variables related to decision making, as well as potential barriers and facilitators that may contribute to the quality, availability, and use of data in HIV and STD prevention programs; data management and analysis plans; and appropriate software tools.

c. Quality of the explanation of how results will be used to develop a model of decision making for the jurisdiction; the model will delineate the role of behavioral data relative to other factors

that might influence HIV and STD program decision making.

d. Quality of plans to identify specific needs and gaps related to behavioral data important for HIV and STD program decision making, including the extent to which needs and gaps related to women and racial and ethnic minority populations are addressed.

4. Phase II: Intervention Plans (30 Points)

a. Clarity, completeness, and scientific quality of the plans to conduct and evaluate an intervention to address the gaps identified in the baseline study. Intervention activities should focus on enhancing data quality, availability, or utilization as they relate to HIV and STD prevention decision making.

b. Clarity, scientific credibility, and feasibility of plans for all intervention components, including overall intervention design; anticipated types of intervention activities; methods and data collection protocols, variables, and instruments needed for evaluating the intervention; sampling, data management and analysis plans; and appropriate software tools.

c. Comparability of evaluation methods and data used during intervention phase with those used during the baseline study.

d. Likelihood that the intervention will improve the quality and availability of behavioral data, promote their use in decision-making and improve the overall quality and effectiveness of the local HIV prevention programs.

e. Likelihood that the evaluation plans and methods can accurately document these improvements in a scientifically credible manner.

5. Staffing Plan and Organizational Commitment (10 Points)

Clarity of proposed staffing plan. Participating staff and organizations are qualified, committed, and available for carrying out the proposed activities. Strong evidence is provided that documents relevant staff experience and capabilities. Copies of curriculum vitae or resumes are included in an appendix. Roles of participating individuals and organizations are clearly described and are adequate for completing the proposed work. Detailed and dated memoranda of agreement or letters of support, written on appropriate institutional letterhead, are provided in an appendix. Evidence is included of past collaboration between the participating organizations or individual staff. Applicant describes a strong commitment to collaborate with other recipients and CDC staff involved with the project.

6. Dissemination Plans (5 Points)

Quality, completeness, and specificity of plans for disseminating findings from the baseline and intervention phases of the project. Include plans for written publications in peer-reviewed scientific journals and presentation to appropriate professional and community audiences.

7. Time Line (5 Points)

A detailed, clear, complete, and feasible time line is provided. Time line includes plans for participating in meetings with other recipients and CDC staff, as described in the Recipient Activities section of this Program Announcement.

8. Permissions and Human Subjects (5 Points)

Includes plans for human subject review (Institutional Review Board [IRB]) as well as procedures for safeguarding data and other information or records gathered during the project.

Clear and appropriate plans are provided for obtaining all formal permissions and reviews needed for the project at all levels (i.e, applicable local IRBs; provide necessary documentation for review by CDC IRB).

Does the application adequately address the requirements of 45 CRF part 46 for the protection of human subjects?

____ Yes ____No

Comments: _____

The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

1. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is adequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits

9. Budget (Not Scored)

A detailed line item budget is provided. Budget expenditures are well-justified and appropriate. Budget includes line-items for attending project meetings described in the Recipient Activities section of this Program Announcement. Travel for these meetings should be budgeted with Atlanta as the destination for all meetings, although the location may rotate among sites.

H. Other Requirements

1. Technical Reporting Requirements.

Provide CDC with original plus two copies of semiannual progress reports, 30 days after the end of each reporting period. The progress reports must include the following for each program, function, or activity involved:

a. Progress in achieving stated goals.

b. Reasons that any goals were not met.

c. A description of steps taken to overcome barriers to accomplishing the goals for the period.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial status and performance reports, no more than 90 days after the end of the project period.

4. The following additional requirements are applicable to this program. For a complete description of each, see Attachments.

AR98–1 Human Subjects Requirements
AR98–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR98–4 HIV/AIDS Confidentiality Provisions
AR98–5 HIV Program Review Panel Requirements
AR98–7 Executive Order 12372 Review
AR98–9 Paperwork Reduction Act Requirements
AR98–10 Smoke-Free Workplace Requirements
AR98–11 Healthy People 2000
AR98–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Section 301 and 317 (k) (2) of the Public Health Service Act (42 U.S.C. 241 and 247b(k) (2) as amended. The catalog of Federal Domestic Assistance Number is 93.941.

J. Where to Obtain Additional Information

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest (99098). You may view or download this and other CDC/ATSDR Program Announcements, and download application forms, at the following web site: HTTP://WWW.CDC.GOV

If you have questions after reviewing the contents of all the documents, business management technical

assistance may be obtained from: Brenda Hayes, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146, Telephone: (770) 488–2720, Email: bkh4@cdc.gov.

Programmatic technical assistance can be obtained from: Robert Kohmescher, Behavioral Intervention Research Branch, Division of HIV/AIDS Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mailstop E–37, Atlanta, GA 30333, Telephone: 404–639–1900, Fax: 404–639–1950, Email: rnk1@cdc.gov.

See also the CDC home page on the Internet: HTTP://WWW.CDC.GOV.

Dated: June 1, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–14281 Filed 6–4–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Project

Title: Adoption and Foster Care Analysis and Reporting System for Title IV–B and Title IV–E.

OMB No.: 0980–0267.

Description: Section 479 of title IV–E of the Social Security Act directs States to establish and implement an adoption and foster care reporting system. The purpose of the data collected is to inform State/Federal policy decisions, program management, and to respond to Congressional and Departmental inquiries. Specifically, the data is used for short/long-term budget projections, trend analysis, and to target areas for improved technical assistance. The data will provide information about foster care placements, adoptive parents, length of time in care, delays in termination of parental rights and placement for adoption. The AFCARS data set is being modified in order to collect data on multi-racial individuals in accordance with OMB Directive #15, ''Race and Ethnic Standards for Federal Statistics and Administrative Reporting.''

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Adoption and Foster Care Analysis and Reporting Systems	51	2	3,251	331,602
Estimated Total Annual Burden Hours:				331,602

In Compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 1, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–14295 Filed 6–4–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

General and Plastic Surgery 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 may be closed to the public.

Name of Committee: General and Plastic Surgery 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 June 16, 1999, 10 a.m. to 5 p.m.

Location: Hilton Hotel, Salons C, D, and E, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: David Krause, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–3090, ext. 141, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12519. Please call the Information Line or access the Internet (http://www.fda.gov/cdrh/upadvmtg) for up-to-date information on this meeting.

Agenda: The committee will discuss, make recommendations, and vote on premarket approval application for computer-guided surgical instruments for use in endoscopic surgery.

Procedure: On June 16, 1999, from 10 a.m. to 1:30 p.m., and from 2 p.m. to 5 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 June 11,

1999. Oral presentations from the public will be scheduled between approximately 10:15 a.m. and 10:45 a.m. and between approximately 3 p.m. and 3:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before June 9, 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 June 16, 1999, from 1:30 p.m. to 2 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). This portion of the meeting will be closed to permit discussion of this information.

FDA regrets that it was unable to publish this notice 15 days prior to the June 16, 1999, General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 2, 1999.

Jane E. Henney,

Commissioner of Food and Drugs.

[FR Doc. 99–14297 Filed 6–3–99; 11:59 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–65]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the 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: Information Collection Requirements in Final Peer Review Organization Sanction Regulations 42 CFR 1004.40, 1004.50, 1004.60, and 1004.70;

Form No.: HCFA–R–65 (OMB# 0938–0444);

Use: The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program. The PRO program replaced the existing Professional Standards Review Organization (PSRO) program and streamlined peer review activities. PROs will ensure that care provided to Medicare patients is reasonable, medically necessary, appropriate, of a quality that meets professionally recognized standards of care, and that inpatient services could not be more appropriately provided on an outpatient basis or in a different type facility;

Frequency: On occasion;

Affected Public: Not-for-profit institutions, and Business or other for-profit;

Number of Respondents: 53;

Total Annual Responses: 1,060;

Total Annual Hours: 22,684.

To obtain copies of the supporting statement 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 and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: May 6, 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. 99–14318 Filed 6–4–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1771]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the 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: Attending Physicians Statement and Documentation of Medicare Emergency and Supporting Regulations in 42 CFR Sections 424.101 and 424.103;

Form No.: HCFA–1771 (OMB# 0938–0023);

Use: Payment, by Medicare, may be made for certain Part A inpatient hospital services and Part B outpatient services provided in a nonparticipating U.S. or foreign hospital, when services are necessary to prevent the death or serious impairment to the health of an individual. This form is used to document the attending physician's statement that the hospitalization was required due to an emergency and give clinical support for the claim;

Frequency: On occasion;

Affected Public: Business or other for profit;

Number of Respondents: 2,000;
Total Annual Responses: 2,000;
Total Annual Hours: 500.

To obtain copies of the supporting statement 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 and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 19, 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. 99–14319 Filed 6–4–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases: Opportunity for Cooperative Research and Development Agreements (CRADAs) in Conjunction With a Major Multicenter Clinical Trial—the Study of Health Outcomes of Weight Loss (SHOW)

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) seeks capability statements from parties interested in entering into a potential Cooperative Research and Development Agreement (CRADA) to provide anti-obesity agents for treating subjects in the Study of Health Outcomes of Weight Loss (SHOW).

Collaborator applicants developing capability statements may also include proposals to provide funding for assessment of outcomes of interest to the Collaborator. The availability of provide sector support may increase the feasibility of particular aspects of the final SHOW design, but the primary criterion for selecting potential collaborator(s) is the scientific merit of proposals for use of anti-obesity agents.

The control of the SHOW clinical trial shall reside entirely with the Institute and the scientific participants of the trial. In the event that any adverse effects are encountered which, for legal or ethical reasons, may require communications with the FDA, the relevant collaborating institutions will be notified. Neither the conduct of the trial nor the results should be represented as an NIDDK endorsement of the drug under study.

DATES: Only written CRADA capability statements received by the NIDDK on or before September 1, 1999 will be considered during the initial design phase, confidential information must be clearly labeled. Potential collaborators may be invited to meet with the Selection Committee at the Collaborator's expense to provide additional information. The Institute may issue an additional notice of CRADA opportunity during the design of the trial if circumstances change or if the trial design alters substantially.

FOR FURTHER INFORMATION AND QUESTIONS: Capability statements should be submitted to Dr. Michael W. Edwards, Office of Technology Development, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, BSA Building, Suite 350 MSC 2690, 9190 Rockville Pike, Bethesda, MD 20814–3800; Tel: 301/496–7778, Fax: 301/402–0535; Email: mels@nih.gov.

SUPPLEMENTARY INFORMATION: SHOW will be conducted as a cooperative agreement among the SHOW Clinical Centers (approximately fifteen centers), a Data Coordinating Center, and the NIH. SHOW will address two primary research questions: (1) Do interventions designed to produce sustained weight loss in obese individuals with type 2 diabetes improve health? (2) How do the benefits and risks of interventions designed to produce weight loss compare with the benefits and risks related to treatment of obesity-related comorbid conditions in the absence of weight loss intervention?

SHOW is expected to recruit approximately 6000 obese diabetic patients over a three-year period with four additional years of treatment and follow-up (average treatment duration 5.5 years). It is anticipated that two-thirds of the patients recruited to the study will be randomly assigned to enrollment in weight loss interventions and one-third to community care. The SHOW trial is likely to have three arms, as follows:

(1) Community Care—Patients will receive medical care for their obesity and obesity-related comorbid conditions (e.g., diabetes, hypertension, dyslipidemia) from their primary care physician. The primary care physician will be given standard of care recommendations for treatment of obesity and comorbid conditions (e.g., guidelines from the American Diabetes Association) and will be provided with results of diagnostic tests carried out at study sites.

(2) Intensive Lifestyle Intevention—Patients will under go a long-term behavioral treatment program that includes dietary modification, increased physical activity, and behavioral therapies designed to enhance weight loss and weight maintenance. This intervention is anticipated to be conducted in groups. Obesity-related comorbid conditions will be treated by the primary care physician as in Group 1.

(3) Intensive Lifestyle Intervention plus Weight-Loss Medication—Medication will be added to the intensive lifestyle intervention in an attempt to enhance long-term weight maintenance. Comorbid conditions will be treated by the primary care physician as in Group 1.

The SHOW RFAs may be accessed at:

http://www.nih.gov/grants/guide/rfa–files/RFA–DK–98–019.html for Clinical Centers RFA

http://www.nih.gov/grants/guide/rfa–files/RFA–DK–98–020.html for the Data Coordinating Center RFA

Capability Statements

The design concept described above is not final. The final design will be developed over the course of the first year of the trial by the SHOW Steering Committee (which will include the Principal Investigators of the Clinical Centers, the Principal Investigator of the Data Coordinating Center, and the NIDDK Project Coordinator). It is possible that the final design for SHOW may include no anti-obesity agents, or may include more than one anti-obesity agent.

A Selection Committee will utilize the information provided in the ''Collaborator Capability Statements'' received in response to this announcement to help in its deliberations. The Selection Committee will interact with the Steering Committee to develop the most appropriate design, based on a thorough understanding of the efficacy and side effects associated with all agents proposed.

It is the intention of the NIDDK that all qualified collaborators have the

opportunity to provide information to the Selection Committee through their capability statements. The Capability Statement should not exceed 10 pages and should address the following selection criteria:

(1) The statement should provide specific details regarding the safety and efficacy of the proposed anti-obesity agency for long-term use in obese diabetic patients with a description how it might be utilized in SHOW.

(2) The statement should include a detailed plan demonstrating the ability of the Collaborator to provide sufficient quantities of the agent in a timely manner for the duration of the study.

(3) The statement should outline outcome measures proposed by the Collaborator which support the aims of SHOW. The specifies of the proposed outcome measures and the proposed support could include, but not be limited to the following: Specific funding commitment to support the advancement of scientific research, personnel, services, facilities, equipment, or other resources that would contribute to the conduct of the trail.

(4) The statement must address willingness to promptly publish research results and ability to be bound by PHS intellectual property policies (see CRADA: http://www.nih.gov/od/ott/crada198.htm).

Dated: May 26, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14245 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Acylated Oligopeptide Derivatives Having Cell Signal Inhibiting Activity

Terrence R. Burke, Jr. (NCI)

Serial No. 09/236,160 filed 22 Jan 99

Licensing Contact: Richard Rodriguez; 301/496–7056, ext. 287; e-mail: rr154z@nih.gov

The invention is directed to pharmaceutically active compounds comprising an N-oxalyl peptide structure. These compounds have the ability to disrupt the interaction between SH2 domain (e.g., Grb2) containing proteins, and proteins with phosphorylated moieties, especially phosphorylated tyrosine moieties on protein tyrosine kinase (PTK) receptors. The effect of inhibiting the association of SH2 domain-containing proteins with PTKs is to inhibit downstream signaling through one or more specifically targeted effector proteins. Examples of these SH2-containing proteins include, but are not limited to, Src, Lck, Fps, ras-GTPase activating protein, Fyn, Lyk, Fgr, Fes, Zap-70, Bcr-Abl, JAK1 and JAK2. These compounds could prove highly useful for the treatment of some cancers. In particular, Grb2 SH2 domains afford an ideal target because they provide a critical link between growth factor receptor PTKs and downstream signaling events involving ras-proteins which have been directly implicated with oncogenic processes. Examples of this include: members of the epidermal growth factor receptor PTK family (ErbB-2) which are found in many breast cancers; the hepatocytes growth factor/scatter factor (Met) PTK which is overexpressed in many human tumors; and the Bcr-Abl PTK which is necessary for Philadelphia chromosome positive leukemia. The development of this technology could therefore provide for the design and use of powerful therapeutics for disease states where signal transduction becomes deregulated.

Water-Insoluble Drug Delivery System

E Tabibi, E Ezennia, BR Vishnuvajjala, S Gupta (NCI)

Serial No. 60/113,423 filed 22 Dec 98

Licensing Contact: Girish Barua; 301/496–7056, ext. 263; e-mail: gb18t@nih.gov

This technology describes an improved, stable drug delivery system for water-soluble drugs, in particular 17-allylaminogeldanamycin (17–AAG) and a pharmaceutical composition comprising such a drug delivery system, as well as methods for preparing the drug delivery system. The water-insoluble drug is dissolved in a water miscible organic solvent that forms a continuous phase with water and a surface active agent. The application of this technology enables the more effective delivery of drugs such as geldanamycin and 17–AAG, with preparation of the system requiring less complex processing steps.

Nucleosides for Imaging and Treatment Applications

Jerry M. Collins, Raymond W. Klecker, Aspandiar G. Katki, Lawrence Anderson (FDA).

DHHS Reference No. E–058–97/1 filed 30 Oct 98; PCT/US98/23109

Licensing Contact: John Fahner-Vihtelic; 301/496–7735 ext. 270; e-mail: jf36z@nih. gov

The present application describes recently developed nucleosides that provide for (1) external imaging of tumor cell proliferation, (2) noninvasive determination of which tumors would be sensitive to drug therapy, and (3) potential utility as a novel antitumor treatment approach. No comparable procedures are available to determine, prior to treatment, which tumors are likely to respond to a given therapeutic approach. This invention also has the ability to rapidly evaluate the success or failure of treatment, during the course of therapy. As imaging agents, these nucleosides are directly targeted towards specific events, rather than broad measures of effect such as fluorodeoxyglucose. There is no currently available treatment for tumors with high levels of drug resistance, specifically due to overexpression of the key enzyme, thymidylate synthase. The utility of these inventions has been demonstrated in cultured human tumor cells, and preclinical toxicology studies have been conducted which permit entry into initial human testing.

Virally Mediated Gene Therapy for the Control of Chronic or Persistent Pain

MJ Iadarola, RM Caudle, AA Finegold, AJ Mannes (NIDCR)

DHHS Reference No. E–044–98/0 filed 23 Sep 98 Licensing Contact: Kai Chen; 301/496–7056 ext. 247; e-mail: kc169a@nih.gov

Current treatments for pain, especially chronic pain, are only partially effective and can eventually involve procedures that are invasive or associated with unacceptable side effects. In vivo gene transfer could be used to directly modulate pain and provide a long-term pain control. This invention describes a method of using an adenovirus or an adeno-associated virus that are genetically engineered to deliver DNA encoded peptides or proteins to neurons involved in the transmission of pain. The invention provides for a novel means to treat chronic pain by administering a beta-endorphin-expressing recombinant adenovirus into the subarachnoid space. The recombinant virus infects the pia mater connective tissue cells and the infected cells express the fusion protein, wherein the fusion protein is cleaved and the neuroactive product is secreted into spinal cord parenchymal tissue in an amount effective to treat the chronic pain but not significantly affecting basal nociceptive responses. The invention demonstrates a gene transfer approach to treatment of chronic pain disorders or cancer pain, and may be generalized to spinal cord injury or neurodegenerative disorders.

O^2-Arylated or O^2-Glycosylated 1-Substituted Diazen-1-ium-1,2-diolates and O^2-Substituted 1-[(2-Carboxylato) Pyrolidin-1-yl] Diazen-1-ium-1,2-diolates

JE Saavedra, LK Keefer, A Srinivasan, C Bogdan, WG Rice, X Ji, (NCI)

DHHS Reference No. E–093–96/3 filed 26 Sep 97 (U.S. Patent Application Serial No. 09/254,301 filed 03 Mar 99, based on Provisional U.S. Patent Applications No. 60/026,816 filed 27 Sep 96, No. 60/045,917 filed 07 May 97, and No. 60/051,696 filed 03 Jul 97)

Licensing Contact: Kai Chen; 301/496–7056 ext. 247; e-mail: kc169a@nih.gov

Diazeniumdiolates are compounds that contain, an N_2O_2 functional group. These compounds are potentially useful as prodrugs because they generate nitric oxide upon degradation. Nitric oxide (NO) plays a role in regulation of blood pressure, inflammation, neurotransmission, macrophage-induced cytostasis, and cytotoxicity. NO is also important in the protection of the gastric mucosa, relaxation of smooth muscle, and control of the aggregation state of blood cells. Derivatives of diazeniumdiolates have been produced that degrade under differing environmental conditions, allowing for selective delivery of nitric oxide in a manner dependent on environment. A new series of diazeniumdiolate derivatives has been synthesized that are stable in neutral to acidic environments and generate nitric oxide in basic or nucleophilic environments. These derivatives are potentially suited to the delivery of nitric oxide to basic or nucleophilic compartments within the body. They may be useful for inactivating proteins to prevent detoxification of chemotherapeutic agents or disruption of proteins active in tumor formation, infection, or regulatory activities. The compounds are stable in an aqueous environment but can be activated by enzymatic action to release nitric oxide that is believed to be useful in treating fulminant liver failure, respiratory problems, impotence, and a variety of cardiovascular/hematologic disorders. The diazeniumdiolates have also been derivatized by their incorporation into polymers. These compounds may allow for site specific delivery of nitric oxide. Overall, these compounds appear to be applicable toward the wide variety of processes involving nitric oxide.

Immunologically Active Peptides From the HIV Envelope Protein Eliciting Both Antibody and T Cell Responses

William R. Kenealy, Stephen R. Petteway and Paul J. Durda

U.S. Patent No. 5,562,905 issued 08 Oct 96

Licensing Contact: Robert Benson; 301/496–7056 ext. 267; e-mail rb20m@nih.gov

This invention is a series of chemically synthesized peptides of about 15 amino acids in length from the gp160 envelope protein of various isolates of HIV–1. Antibodies raised against the peptides block proliferation of HIV and block HIV-induced cell fusion in cell culture. The peptides are potential vaccines against HIV infection and monoclonal antibodies raised against the peptides are potentially useful as therapeutics. Foreign equivalent cases to USSN 07/148,692 (Berzofsky et al., PCT/US89/00712) are also available for licensing.

The NIH has many other patents and pending patent applications, most foreign filed, claiming various peptides from the HIV envelope protein that are T helper epitopes, CTL epitopes and neutralizing antibody epitopes discovered in the laboratory of Dr. Jay Berzofsky. Dr. Berzofsky has designed synthetic chimeric peptides (called ''multideterminant'' peptides) that combine a peptide containing several T helper epitopes which can activate many human HLA types (called a ''multicluster'' peptide, and claimed in USSN 08/455,685) with a peptide combining a CTL and neutralizing B cell epitope (called a ''p18'' peptide, and claimed in USSN 07/847,311 and U.S. patents 5,820,865 and 5,562,905). These multideterminant peptides contain only epitopes that lead to protection without containing epitopes that are detrimental to protection. Two of the multicluster chimeric peptides are in clinical trials. Multideterminant peptides are claimed in USSN 08/060,988 and 08/407,252.

Computational Analysis of Nucleic Acid Information Defines Binding Sites

Thomas D. Schneider (NCI), Peter K. Rogan

Serial No. 08/494,115 filed 23 Jun 95; U.S. Patent 5,867,402 issued 02 Feb 99

Licensing Contact: John Fahner-Vihtelic, 301/496–7735, ext. 270; e-mail: jf36z@nih.gov

Current approaches to determine whether a nucleotide change is a benign polymorphism or is associated with a genetic disease rely on sequence comparisons of a substantial number of individuals. This invention embodies a computational method that is able to predict whether a nucleotide change will have a deleterious effect. The claims of this invention relate to a computer program which has the novel feature in that it is designed to calculate the relative importance of a given nucleotide change. This program is unique in that it is capable of predicting the effect that a given nucleotide change would have on a particular sequence such as a known binding site. The method has been successfully applied to predicting the effects of changes at human splice junctions. Further information is available at ''http://www.lecb.ncifcrf.gov/~toms/walker/index.html''.

Dated: May 26, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14244 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing: Cyanovirin-based Topical Microbicides for Prevention of Sexual Transmission of HIV

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The U.S. National Institutes of Health seeks exclusive or non-exclusive licensee(s) for certain aspects of technology encompassed within the following U.S. (and corresponding international) patent and patent application: 5,843,882 issued December 1, 1998, entitled ''Antiviral Proteins and Peptides'', and Serial No. 08/969,378 filed November 13, 1997, entitled ''Methods of Using Cyanovirins to Inhibit Viral Infectivity'' (in accordance with 35 U.S.C. 207 and 37 CFR Part 404).

More specifically, licensee(s)is (are) sought to develop and commercialize microbicidal compositions, formulations, devices and/or methods directly incorporating the unique, HIV-inactivating protein, cyanovirin-N (CV–N), for topical use to prevent sexual transmission of HIV infection and disease.

ADDRESSES: Inquiries concerning this licensing opportunity should be directed to Dr. Carol Salata, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; telephone: 301–496–7735 ext. 232; fax: 301–402–0220; e-mail: salatac@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The development of an effective anti-Hiv topical microbicide, especially a female-controlled, vaginal microbicide, has been deemed an urgent global priority by numerous international agencies, incuding the World Health Organization, the U.S. Department of Health and Human Services, the National Institute of Allergy and Infectious Diseases, and others.

Cyanovirin-N (CV–N) is a unique, 101 amino acid protein discovered,[1] by U.S. government scientists, as a constituent of a cultured cyanobacterium, *Nostoc ellipsosporum*. *CV–N has* subsequently been produced recombinantly in *E. coli.*[3] Both the sequence [1] and the 3–D solution structure [2] of CV–N are unprecedented.

CV–N potently and irreversibly inactivates diverse primary strains of HIV–1, including M-tropic forms involved in sexual transmission of HIV, as well as T-tropic and dual-tropic forms; CV–N also blocks cell-to-cell transmission of HIV infection.[1] CV–N is directly virucidal, interacting in an unusual manner with the viral envelope, apparently binding with extremely high affinity to poorly immunogenic epitopes on gp120.[1, 3]

CV–N was benign in *vivo* when tested in the rabbit vaginal toxicity/irritancy model, and was not cytotoxic *in vitro* against human immune cells and lactobacilli (unpublished). CV–N is readily soluble in aqueous media, is remarkably resistant to physicochemical degradation,[1] and, is amendable to very large-scale production by a variety of genetic engineering approaches.

Selected References

1. Boyd, M.R., Gustafson, K.R., McMahon, J.B., Shoemaker, R.H., O'Keefe, B.R., Mori, T., Gulakowski, R.J., Wu, L., Rivera, M., Laurencot, C.M., Cardellina, J.H. II, Buckheit, R.W. Jr., Nara, P.L., Pannel, L.K., Sowder, R.C. II, Henderson, L.E.: Discovery of cyanovirin-N, a novel human immunodeficiency virus-inactivating protein that binds viral surface envelope glycoprotein gp120; potential applications to microbicide development. *Antimicrob. Agents Chemother.* 41: 1521–1530, 1997.
2. Bewley, C.A., Gustafson, K.R., Boyd, M.R., Covell, D.G., Bax, A., Clore, G.M., Gronenborn, A.M.: Solution structure of cyanovirin-N, a potent HIV-inactivating protein. *Nature Struct. Biol.* 5: 571–578, 1998.
3. Mori, T., Gustafson, K.R., Pannell, L.K., Shoemaker, R.H., Wu, L., McMahon, J.B., Boyd, M.R.: Recombinant production of cyanovirin-N, a potent HIV (human immunodeficiency virus)-inactivating protein derived from a cultured cyanobacterium. *Protein Expr. Purif.* 12: 151–158, 1998.
4. Esser, M.T., Mori, T., Mondor, I., Sattentau, Q., Dey, B., Berger, E.A., Boyd, M.R., Lifson, J.D.: Cyanovirin-N binds to gp120 to interfere with CD4-dependent HIV-1 virion binding, infectivity, and fusion, but does not affect the CD4 binding site on gp120 or soluble CD4 induced conformational changes in gp120. *J. Virol.* 73:4360–4371, 1999.

Dated: May 28, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 99–14375 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Girish C. Barua, Ph.D. at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 263; fax: 301/402–0220; e-mail: gb18t@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Modulation of N-Acetyl-Transferase To Improve Therapy and Prevent Cancer

Jerry M. Collins, Raymond W. Klecker, Aspandiar G. Katki (FDA)

DHHS Reference No. E–268–98/0 filed 16 Apr 99

This technology describes a method in which an inhibitor of an arylamine N-acetyl transferase (NAT), a member of a common enzyme family, is administered to a human to inhibit acetylation reactions resulting in production of cytotoxic or carcinogenic compounds in the treated individual. Nearly all drugs are metabolized in the human body by enzymes. Although metabolism generally lowers the toxicity of drugs, the opposite effect is often encountered with NAT. With NAT, the resulting metabolite is more toxic than the parent drug. Administering an inhibitor of NAT with such drugs is believed to result in decreased toxicity to the patient because of reduced exposure to the metabolite. Reduced exposure to the metabolite is believed to be beneficial to patients because the reduction in toxicity results in the maximization of the benefits of the parent drug. Accordingly, this method could be utilized in many therapeutic areas, since drugs which are metabolized by NAT are used in most medical disciplines, including heart disease, infectious diseases, and oncology. The technology also describes the acetylation capacity of NAT's link to human tumors. The acetylation capacity can be reduced by an enzyme inhibitor which may lead to a decrease in human cancer. This concept identifies NAT as a novel target, to expand and improve a general strategy which is currently-emerging, known as ''chemoprevention''. Finally, the technology describes specific inhibitors

of NAT in human hepatocoytes, e.g., para-amino salicylate (PAS) for NAT1 and dichlorphenamide for NAT2, which can be used either in chemoprevention of cancer or in conjunction with a chemotherapeutic which metabolizes NAT, potentially resulting in reduced toxicity to the patient. Since these inhibitors are currently-marketed drugs, clinical development can be accelerated, and pilot studies are already underway.

Methods for Inhibiting Chaperone Proteins

Monica G. Marcu, Leonard M. Neckers, Theodor W. Schulte (NCI)
Serial No. 60/124,135 filed 12 Mar 99

This technology describes the use of an antibiotic, Novobiocin, that has been used clinically in people for many years. This compound and structural analogues such as chlorobiocin and coumermycin A1, which are coumarins, have been discovered to bind to Heat Shock Protein 90 (Hsp90), resulting in the destabilization and proteolytic degradation of a number of proteins whose function and stability depend on their association with Hsp90. These proteins include oncogenic kinases such as Raf, Her2/neu(erbB2), and Src, and transcription factors such as mutant p53. Novobiocin has demonstrated an ability to deplete Raf from the spleens of mice, suggesting that it may have anti-Hsp90 biologic properties in humans. Novobiocin and its analogues are an improvement on currently known chemotherapeutics such as geldanamycin because these compounds lack both a quinone and a macrocycle in their chemical structure and are thus better tolerated and less toxic to humans at high dosages.

Identification of The Geldanamycins as Inhibitors of The HGF/SF–Met–uPA Proteolytic Network

Craig Webb, Curtis Hose, Anne P. Monks, George F. Vande Woude, Edward A. Sausville (NCI)
Serial No. 60/119,114 filed 08 Feb 99

This technology describes a class of compounds (Geldanamycins) as important inhibitors to the HGF–SF–Met–uPA–plasmin signaling pathway. Considerable evidence demonstrates that the HGF–SF–Met pathway plays a significant role in the etiology of human cancers and the formation of secondary metastases. These compounds have the ability to revert certain transformed phenotypes through down regulation of the expression of the Met receptor at subnanomolar concentrations. Thus, these compounds could have utility in the treatment and therapy of invasive human cancers where the HGF–SF–Met pathway is implicated.

Food Quality Indicator Device

Dwight W. Miller, Jon G. Wilkes, Eric D. Conte (FDA)
DHHS Reference No. E–093–97/1 filed 16 Jul 98

The invention is a device which indicates the quality of frozen food by colorimetrically detecting bases generated by decomposition. The food quality indicator consists of a paper strip or other insert support treated with proprietary compounds for detection at temperatures below zero degree C of Bacteriological and/or enzymatic food decomposition. It operates without thawing frozen foods, and for excellent application for seafoods such as shrimp, fish as well as red meat.

Sensitive Assay for Measuring Gallium Levels in Body Tissues and Fluids

Edward Reed, Kang B. Lee (NCI)
Serial No. 08/355,153 filed 08 Dec 94; U.S. Patent 5,650,627 issued 22 Jul 97

A sensitive assay method for measuring the quantity of elemental gallium present in a test sample comprising a body tissue or body fluid. The method involves a test sample after diluting with nitric acid to be introduced into atomic absorption spectrometer having a Zeeman-effect background correction capability. Sample absorption to be determined at a desired wavelength while subjecting the test sample to an atomization and a burning in an atomic spectrometer. A correction of Zeeman effect to be made on the said determined absorption and comparing corrected absorption for the test sample with a standard curve.

Dated: May 28, 1999.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14376 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

N-Acylphosphoramidites and Their Use in Oligonucleotide Synthesis

Serge Beaucage et al. (FDA)
DHHS Reference No. E–031–98/0 filed 24 Mar 99
Licensing Contact: Charles Maynard; 301/496–7735 ext. 243; e-mail: cm251n@nih.gov

This technology relates to the synthesis of oligonucleotides, and intermediates useful in its synthesis. The therapeutic application of oligonucleotides is based on the selective formation of hybrids between antisense oligonucleotides and complimentary nucleic acids, such as messenger RNAs. Such hybrids inhibit gene expression by blocking protein translation. Successful inhibition of gene expression requires the antisense oligonucleotide to be nuclease resistant so that it can be successfully transported through biological membranes and can hybridize selectively to a target complementary nucleic acid, thereby actively blocking protein translation.

This present invention of synthesizing polymers has tremendous synthetic advantages that are unprecedented with respect to the synthesis of oligonucleotides in that it enables the facile production of P-chiral oligomeric or polymeric products, with complete control of stereochemistry with respect to the phosphorous atom.

Identification and Use of High Efficacy Vaccine Antigens

Ronald N. Germain (NIAID), Irena Stefanova (NIAID), Roland Martin (NINDS), Marco Vergelli (NINDS), Bernhard Hemmer (NINDS)
Serial No. 60/124,064 filed 12 Mar 99
Licensing Contact: Richard U. Rodriguez; 301/496–7056 ext. 287; e-mail: rr154z@nih.gov

The invention relates to the identification and use of high efficacy

antigens or immunogens. Antigen-specific or adaptive immunity in higher vertebrates is mediated by limphoid effector cells, T and B-lymphocytes. T-lymphocytes have αβ-receptors (TCR) that recognize ligands comprised of cell-surface molecules encoded in the major histocompatibility complex (MHC) bound to short peptide fragments of protein antigens. These antigen-specific effector T-lymphocytes are involved in resistance to infections, in anti-tumor immunity and in autoimmune-diseases. Studies have shown that activation of the TCR by a peptide-MHC complex triggers an intracellular biochemical signaling cascade. These studies have also shown that different peptide-MHC complexes can yield different levels of responses, thus affecting the effectiveness of an immune response to various disease states. The inventors provide methods to efficiently identify optimized or heteroclitic-ligands (superagonists) which would have utility in the formation of anti-cancer and anti-pathogen vaccines with enhanced potency compared to the natural self- or foreign peptide ligand. This is achieved by a ''biochemical fingerprinting'' process that involves the analysis of various phosphorylation patterns elicited in specific T-cells by TCR activation using peptide-MHC complexes. These patterns enable direct identification of how optimal a given ligand is for the test T-cells. When the initial ligand proves suboptimal by this technique, improved ligands can be identified by making variants of the original peptide, and then analyzing the phosphorylation patterns elicited by these variants until an optimal pattern is achieved. In this manner, specific peptides can be tested until a ''superagonist'' is isolated and development of this ''superagonist'' as a potential vaccine can proceed. These methods provide a direct evaluation of the immunologic ''quality'' of an initial vaccine candidate. Their use should greatly reduce the number of potential antigen-candidates that need to be researched and focus important resources on antigen-candidates with superior potential to succeed.

Polymorphic Human $GABA_A$ Receptor Alpha-6 Subunit

Drs. Nakao Iwata, David Goldman, and Mark Shuckit (NIAAA)
DHHS Reference Number E–061–98/0 filed 19 Fed 99
Licensing Contact: Marlene Shinn; 301/496–7056 ext. 285; e-mail: ms482m@nih.gov

Human heritability studies using twins and adoptees have indicated that alcoholism is a complex disorder having a genetic component. Studies of Children of Alcoholics (COA) have determined that there is a differential decrease in sensitivity to benzodiazepine drugs (BZD) and ethanol within this specific population.

G-Aminobutryric Acid (GABA) receptors are implicated in various neurological and psychiatric disorders. There are two major types of GABA receptors: A, which is associated with a $C1^-$ Channel; and B, which is associated with K^+ and Ca^{2+} channels. Differential expression of individual subunits of the multimeric protein appears to provide a mechanism for the body to convey different physiological functions. the α subunit displays benzodiazepine activity and the α_6 subunit has been associated with alcohol related activity. A proline to serine substitution at amino acid position 385 in the α_6 subunit of the $GABA_A$ receptor within the COA population has displayed a statistical correlation to the average smooth pursuit eye movement after diazepam administration.

The point mutation can be used as a genetic marker to investigate susceptibility to alcoholism as well as the biochemical and physiological responses to both pre- and post-treatment with benzodiazepines. It is also useful in the investigation of psychiatric disorders such as schizophrenia, affective disorder, or anxiety disorders in which abnormal function of the GABAergic neuronal system is implicated.

A Method of Immunizing Humans Against Salmonella Typhi Using a Vi-rEPA Conjugate Vaccine

Zuzana Kossaczka, Shousun C. Szu and John B. Robbins (NICHD) DHHS Reference No. E–020–99/0 filed 04 Dec 98 (PCT/US98/25746)
Licensing Contact: Robert Benson; 301/496–7056 ext. 267; e-mail: rb20m@nih.gov

This invention is a method of immunizing against typhoid fever using a conjugate vaccine comprising the capsular polysaccharide of *Salmonella typhi,* VI, conjugated through an adipic dihydrazide linker to nontoxic recombinant exoprotein A (rEPA) from *Pseudomonas aeruginosa.* The three licensed vaccines against typhoid fever, attenuated *S. typhi* Ty21a, killed whole cell vaccines and Vi polysaccharide, have limited efficacy, in particular for children under 5 years of age, which make an improved vaccine desirable.

It is generally recognized that an effective vaccine against *Salmonella typhi* is one that increases serum anti-Vi IgG eight-fold six weeks after immunization. The conjugate vaccine of the invention increases anti-Vi IgG, 48-fold, 252-fold and 400-fold in adults, in 5–14 years-old and 2–4 years-old children, respectively. Thus this is a highly effective vaccine suitable for children and should find utility in endemic regions and as a traveler's vaccine. The route of administration can also be combined with routine immunization. The synthesis of the conjugates, not including the superior clinical results, is described in Infection & Immunity 65(7), pp. 2088–2093, June 1997.

Antagonists Of The αEβ7 Integrin As Therapeutic Agents For Inflammatory Diseases

Bjorn R. Ludviksson, Warren Strober, Rolf Ehrhardt (NIAID) Serial No. 60/019,957 filed 25 Nov 98
Licensing Contact: Richard U. Rodriguez; 301/496–7056 ext. 287; e-mail: rr154z@nih.gov

The disclosed invention relates to a method of treating and/or preventing the inflammatory response of an autoimmune disease, an allergic disease, a graft-versus-host disease and a transplantation rejection. In particular, this treatment or prevention is accomplished by administering antagonists of the $\alpha^E\beta7$ integrin. $\alpha^E\beta7$ is expressed on intra-epithelial lymphocytes (IELs) and on lamina propria (LP) lymphocytes. $\alpha^E\beta7$ can be upregulated by TGF–β, and it is speculated to have regulatory functions such as homing or retention. The pathogensis of chronic intestinal inflammation may depend on the traffic of lymphocytes from sites of induction to sites of inflammation. The inventors have shown that chronic intestinal inflammation can be prevented and reversed in an IL–2 −/− murine model. Administration of anti-$\alpha^E\beta7$ prevents colonic inflammation and reverses pre-existing inflammation. Therefore, this technology can be used to treat, prevent or reverse inflammatory conditions as well as providing a method of screening for substances effective in reducing the inflammatory effects of $\alpha^E\beta7$.

Methods And Compositions for HDL Holoparticle Uptake Receptor Insertion

B Brewer Jr., AT Remaley, S Argraves (NHLBI) DHHS Reference No. E–204–98/0 filed 15 May 98
Licensing Contact: Charles Maynard; 301/496–7735 ext. 243; e-mail: cm251n@nih.gov

This technology relates to compositions and methods for a high density lipoprotein (HDL) holoparticle uptake receptor. This receptor is used in the identification and development of substances (therapeutic agents) which modulate the activity and/or expression

of the receptor, thereby modulating the uptake of HDL by cells expressing the receptor on the cell surface.

HDL has anti-atherogenic properties and is known to inhibit oxidation of low density kiporprotein (LDL). Transgenic animals having elevated levels of HDL are resistant to high cholesterol dieto-induced atherosclerosis. Therefore, understanding factors which influence plasma levels of HDL, such as mechanisms of HDL metabolism, is of major importance.

The present invention makes a significant contribution to the art by providing an HDL holoparticle uptake receptor comprising a complex of proteins and screening methods for identifying substances that modulate the activity and/or expression of the receptor.

Modified HCV Peptide Vaccine

Jay A. Berzofsky (NCI), Pablo Sarobe (NCI), CD Pendleton (NCI), Stephen M. Feinstone (FDA)
Serila No. 60/-97,446 filed 21 Aug 98
Licensing Contact: J. Peter Kim; 301/496–7056 ext. 264; e-mail: jk141n@nih.gov

Hepatitis C virus (HCV) is a single stranded RNA virus responsible for the majority of non-A non-B hepatitis. Hepatitis C virus (HCV) has a worldwide distribution and is a major cause of liver cirrhosis and hepatocellular carcinoma in the U.S., Europe, and Japan. For this reason, development of a vaccine against hepatitis C is of great importance.

The present invention provides immunogenic peptides of HCV core protein which elicit an enhanced immune response, methods for making these pepetides, and methods for using these peotides for a variety of therapeutic, diagnostic, and prognostic applications, including a vaccine. More specifically, the present invention provides an isolated peptide, and isolated HCV core polypeptide, a fragment of an HCV core polypeptide and nucleic acids which encode the peptides and polypeptides of this invention. The invention provides a modified HCV core peptide that is more immunogenic than the corresponding natural core peptide for eliciting human cytotoxic T lymphocytes.

Conformationally Locked Nucleoside Analogues

Inventors: Victor E. Marquez, Juan B. Rodriguez, Marc C. Nicklaus, Joseph J. Barchi, Jr., Maqbool A. Siddiqui (NCI)
U.S. Patent Numbers: 5,869,666 (filed March 14, 1997); 5,629,454 (filed September 23, 1994, with priority back to September 24, 1993)
Foreign Filing: PCT/US94/10794 (issued as European Patent Number 0720604 and Australian Patent Number 677441)

Conformationally Locked Nucleoside Analogs As Antiherpetic Agents

Inventors: Victor E. Marquez, Juan B. Rodriguez, Marc C. Nicklaus, Joseph J. Barchi, Jr., Maqbool A. Siddiqui (NCI)
U.S. Patent Number: 5,840,728 (filed August 7, 1997, with priority back to August 7, 1996)
Licensing Contact: Peter Soukas; 301/496–7056 ext. 268; e-mail: ps193c@nih.gove

The compounds of the present invention represent the first examples of carbocyclic dedeoxynucleosides that in solution exist locked in a defined N-geometry (C3′-endo) conformation typical of conventional nucleosides. These analogues exhibit increased stability due to the substitution of carbon for oxygen in the ribose ring. The invention includes 4′-6′-cyclopropane fused carbocyclic dideoxynucleosides, 2′-deoxynucleosides and ribonucleosides as well as oligonucleotides derived from these analogues; the preferred embodiment of the invention is carbocyclic-4′-6′-cyclopropane-fused analogues of dideoxypurines, dideoxypyrimidines, deoxypurines, deoxypyrimidines, purine ribonucleosides and pyrimidine ribonucleosides. In addition, oligonucleotides derived from one or more of the nucleosides in combination with the naturally occurring nucleosides are within the scope of the present invention.

The second invention discloses a method for the treatment of herpes virus infections by the administration of cyclopropanated carbocyclic 2′-deoxynucleosides to an affected individual. This invention is a method of administration of the compounds described above. The compounds of this invention are particularly efficacious against herpes simplex viruses 1 and 2 (HSV–1 and HSV–2), Epstein-Barr Virus (EBV) and human cytomegalovirus (CMV), although the nucleoside analogues of the invention may be used to treat any condition caused by a herpes virus. Specifically, the N-methanocarba-T (Thymidine) analogue has been shown to exhibit strong activity against HSV–1 and HSV–2, and moderate to strong activity against EBV. Significantly, the anti-HSV activity of the Thymidine analogue is stronger than that of Acyclovir (shown in a plaque reduction assay), a widely used anti-HSV therapeutic. Furthermore, the Thymidine analogue is also non-toxic against stationary cells and is potent against rapidly dividing cells. Dosage amounts for the compounds are similar to those of Acyclovir.

Descriptions of the inventions may be found in Rodriguez et al., J. Medicinal Chemistry 37:3389 3399 (1994) and Marquez et al., J. Medicinal Chemistry 39:3739–3747 (1996).

Dated: May 28, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14377 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2). The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: June 8, 1999.

Open: June 8, 1999, 8:30 a.m. to 4:00 p.m.

Agenda: Report of the Director, NCI; Reports and Presentations Related to NCI Administrative and Program Developments; Presentations and Discussions Related to Special Populations and Quality of Care Issues; NCI Clinical Research Opportunities; NCAB Subcommittee Meeting and NCAB Working Group Report; Legislative and National Cancer Statistic Updates.

Place: Building 31, C Wing, 6 Floor, Conference Room 10, National Institutes of Health, 3100 Center Drive, Bethesda, MD 20892.

Closed: June 8, 1999, 4:15 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Building 31, C Wing, 6 Floor, Conference Room 10, National Institutes of Health, 3100 Center Drive, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, Director, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, Executive Plaza North, Suite 600, 6130 Executive Boulevard, Rockville, MD 20892, (301) 496–5147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 1, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–14374 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: June 21–22, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Madison Hotel, Fifteenth & M Streets NW, Washington, DC 20005.

Contact Person: Alan Willard, PHD, PHD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 1, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–14373 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Drug and Method for the Therapeutic Treatment of Lymphomas and Leukemias

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(I) that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to U.S. Patents and Patent Applications USPA SN: 60/041,437, entitled: ''Recombinant Antibodies and Immunoconjugates Targeted to CD–22 Bearing Cells and Tumors''; USPN 4,892,827, entitled, ''Recombinant *Pseudomonas* Exotoxin: Construction of an Active Immunotoxin with Low Side Effects''—excluding any foreign equivalents corresponding to 4,892,927 (= USSN 06/911,227); USPN 5,747,654, entitled, ''Recombinant Disulfide-Stabilized Polypeptide Fragments Having Binding Specificity''; USPA SN: 09/002,753, entitled: ''Recombinant Disulfide-Stabilized Polypeptide Fragments Having Binding Specificity''; USPA SN: 07/865,722; entitled: ''Recombinant Antibody-Toxin Fusion Protein''; USPN 5,863,745, entitled: ''Recombinant Antibody-Toxin Fusion Protein''; USPN 5,696,237, entitled: ''Recombinant Antibody-Toxin Fusion Protein''; and USPA SN: 06/005,388, entitled: ''Immunotoxin Containing a Disulfide-Stabilized Antibody Fragment Joined to a *Pseudomonas* Exotoxin that does not Require Proteolytic Activation'' and corresponding foreign patent applications to AlbaPharm, Inc. having an address in Ann Arbor, Michigan. The United States of America is an assignee of the patent rights in these inventions and the contemplated exclusive license may be limited to the use of RFB4 (dsFv)—PE38 [also known as BL22] immunotoxin and relevant patents and patent applications for the therapeutic treatment of Lymphomas and Leukemias which express the CD22 surface antigen.

DATES: Only written comments and/or applications for a license which are received by NIH on or before August 6, 1999 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, comments and other materials relating to this contemplated exclusive license should be directed to: J.R. Dixon, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804. Telephone: (301) 496–7735 ext. 206; Facsimile: (301) 402–0220, E-Mail: DixonJ@OD.NIH.GOV. A signed Confidentiality Agreement will be required to receive copies of any patent applications.

SUPPLEMENTARY INFORMATION: The technology is directed to a RFB4 (dsFv)–PE38 (also known as: BL22) immunotoxin and to methods and DNA sequences to produce disulfide-stabilized (ds) recombinant polypeptide fragments to construct the aforementioned immunotoxin. RFB4 is a disulfide-linked recombinant immunotoxin fused to PE38, a mutant form of *Pseudomonas* Exotoxin, that binds to CD22—a 135kDa phosphoglycoprotein adhesion molecule present on the surface of B-cells. RFB4 is a mouse monoclonal antibody that recognizes an external epitope on the CD22 cell surface antigen and has no detectable cross-reactivity with any other normal cell types. CD22 is a lineage-restricted B-cell antigen that belongs to the Ig superfamily and is displayed on chronic B-Lymphocytic Leukemia cells and B-cell Non-Hodgkins Lymphoma cells. To kill CD22-positive cells, the RFB4 antibody was used to make a recombinant immunotoxin. To construct the recombinant PE immunotoxin, the variable portions of the heavy and light chains of RFB4 were cloned and the Fv fragments linked together by a disulfide bond to form a disulfide stabilized (ds) construct. The construct was combined by gene fusion with PE38, a truncated version of PE, to form RFB4 (dsFv)–PE38, or BL22.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective

exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the exclusive license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license [i.e., completed ''Application for License to Public Health Service Inventions''] in the field of use of the RFB4 (dsFv)–PE38 immunotoxin and the relevant Patents and Patent Applications for the therapeutic treatment of Lymphomas and Leukemias which express the CD22 surface antigen filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 26, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14242 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Drug and Method for the Therapeutic Treatment of Leukemia, Lymphoma, Hair Cell Leukemia, Hodgkin's Disease and Other Hematologic Malignancies Plus to Prevent and Treat Graft-versus-Host Disease and Allograft Rejection

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(I) that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to U.S. Patents and Patent Applications USPN 4,892,827, entitled, ''Recombinant *Pseudomonas* Exotoxin: Construction of an Active Immunotoxin with Low Side Effects''—excluding any foreign equivalents corresponding to 4,892,827 (= USSN 06/911,227); USPN 5,747,654, entitled, ''Recombinant Disulfide-Stabilized Polypeptide Fragments Having Binding Specificity''; USPA SN: 09/002,753, entitled: ''Recombinant Disulfide-Stabilized Polypeptide Fragments Having Binding Specificity''; USPA SN: 07/865,722, entitled: ''Recombinant Antibody-Toxin Fusion Protein''; USPN 5,863,745, entitled: ''Recombinant Antibody-Toxin Fusion Protein''; USPN 5,696,237, entitled: ''Recombinant Antibody-Toxin Fusion Protein''; and USPA SN: 60/005,388, entitled: ''Immunotoxin Containing a Disulfide-Stabilized Antibody Fragment Joined to a *Pseudomonas* Exotoxin that does not Require Proteolytic Activation'' and corresponding foreign patent applications to AlbaPharm, Inc. of Ann Arbor, Michigan. The United States of America is an assignee of the patent rights in these inventions and the contemplated exclusive license may be limited to the use of an anti-Tac(dsFv)—PE38 based immunotoxin and/or anti-Tac(Fc)—PE38 immunotoxin and relevant patents and patent applications for the therapeutic treatment of refractory Leukemia, Lymphoma, Hairy Cell Leukemia, Hodgkin's disease and other hematologic malignancies and for the treatment of Graft-versus-Host Disease and Allograft Rejection.

DATES: Only written comments and/or applications for a license which are received by NIH on or before August 6, 1999, will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, comments and other materials relating to the contemplated licenses should be directed to: J.R. Dixon, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804. Telephone: (301) 496–7735, ext. 206; Facsimile: (301) 402–0220, E-Mail: DixonJ@OD.NIH.GOV. A signed Confidentiality Agreement will be required to receive copies of any of the patent applications.

SUPPLEMENTARY INFORMATION: The technology is directed to an anti-Tac (dsFv)–PE38 and/or anti-Tac(Fv)–PE38 immunotoxin for the therapeutic treatment of refractory Leukemia, Lymphoma, Hairy Cell Leukemia, Hodgkin's disease and other hematologic malignancies. Ani-Tac(dsFv)–PE38 and anti-Tac(scFv)–PE38 are recombinant immunotoxins composed of a disulfide-stabilized (ds) or a single chain Fv form of the anti-Tac (anti-CD25) monoclonal antibody which binds to the α subunit of the IL2 receptor (also called P55, Tac, or CD25), fused to PE38, a mutant form of *Pseudomonas* Exotoxin A which has ADP ribosylating activity and the ability to translocate across a cell membrane. Anti-Tac-(dsFv)PE38 or anti-Tac(scFv)–PE38 immunotoxins are very cytotoxic to normal or malignant cells expressing this IL2 receptor. The technology is also directed to methods and DNA sequences to produce disulfide-stabilized (ds) or single-chain (sc) recombinant polypeptide fragments to construct the aforementioned immunotoxins. Anti-Tac is a monoclonal antibody fused to PE38, a mutant form of *Pseudomonas* Exotoxin, that binds to the CD25 surface antigen. To kill CD25-positive cells, the anti-Tac antibody was used to make a recombinant immunotoxin. To construct the recombinant PE immunotoxin, the variable portions of the heavy and light chains of anti-Tac could be cloned and the Fv fragments linked together by a disulfide bond to form a disulfide stabilized (ds) construct. The construct was combined by gene fusion with PE38, a truncated version of PE, to form an anti-Tac(dsFv)–PE38 or anti-Tac(scFv)–PE38 immunotoxin.

The technology is also directed to an anti-Tac(dsFv)–PE38 and anti-Tac(scFv)–PE38 immunotoxin for: (1) the prevention of Graft-versus Host Disease (''GVHD'') by purging bone marrow of potentially recipient-reactive donor T-cells, (2) the treatment of Graft-versus Host Disease by i.v. administration, and (3) the treatment or prevention of allograft rejection.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the exclusive license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license [i.e., completed Application for License to Public Health Service Inventions] in the field of use of the anti-Tac(dsFv)–PE38 and/or anti-Tac(scFv)–PE38 immunotoxin and the relevant Patent Applications for the therapeutic treatment of refractory Leukemia, Lymphoma, Hairy Cell Leukemia, Hodgkin's disease and other hematologic malignancies and for the treatment of Graft-versus-Host Disease and Allograft Rejection filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 26, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–14243 Filed 6–4–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Center for Substance Abuse Treatment; Fiscal Year 1999 Funding Opportunity

AGENCIES: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services (CMHS), Center for Substance Abuse Treatment (CSAT).

ACTION: Notice of Availability of Funds for Cooperative Agreements for CMHS/CSAT Collaborative Program on Homeless Families: Women with Psychiatric, Substance Use, or Co-occurring Disorders and Their Dependent Children.

SUMMARY: The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) and Center for Substance Abuse Treatment (CSAT), announce the availability of FY 1999 funds for cooperative agreements for the following activity. This activity is discussed in more detail under section 4 of this notice. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA) before preparing an application. Note: SAMHSA also published notices of available funding opportunities for FY 1999 in previous issues of the **Federal Register**.

Activity	Application deadline	Estimated funds available	Estimated number of awards	Project period
Homeless Families Program (Study Sites)	08/11/99	$3.8 Million	16	Up to 2 yrs.
Homeless Families Program (Coordinating Center)	08/11/99	$1 Million	1	Up to 5 yrs.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 1999 funds for the activity discussed in this announcement were appropriated by the Congress under Pub. L. 105–277. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001-00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 5/96; OMB No. 0937–0189). The application kit contains the GFA (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity (i.e., the GFA) described in section 4 are available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission: Applications must be submitted to: SAMHSA Programs, Center for Scientific Review, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710.* (*Applicants who wish to use express mail or courier service should change the zip code to 20817.)

Application Deadlines: The deadline for receipt of applications is listed in the table above.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

For Further Information Contact: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 4).

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate

knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

SAMHSA's FY 1999 Knowledge Development and Application (KD&A) agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 1999 KD&A programs will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and in its question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, preparation of special materials will be used, in addition to normal communications means.

SAMHSA also continues to fund legislatively-mandated services programs for which funds are appropriated.

2. Special Concerns

SAMHSA's legislatively-mandated services programs do provide funds for mental health and/or substance abuse treatment and prevention services. However, SAMHSA's KD&A activities do not provide funds for mental health and/or substance abuse treatment and prevention services except sometimes for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development and application projects. Applications seeking funding for services projects under a KD&A activity will be considered nonresponsive.

Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

Consistent with the statutory mandate for SAMHSA to support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs, competing applications requesting funding under the specific project activity in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures.

3.1 General Review Criteria

As published in the **Federal Register** on July 2, 1993 (Vol. 58, No. 126), SAMHSA's ''Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals,'' peer review groups will take into account, among other factors as may be specified in the application guidance materials, the following general criteria:

- Potential significance of the proposed project;
- Appropriateness of the applicant's proposed objectives to the goals of the specific program;
- Adequacy and appropriateness of the proposed approach and activities;
- Adequacy of available resources, such as facilities and equipment;
- Qualifications and experience of the applicant organization, the project director, and other key personnel; and
- Reasonableness of the proposed budget.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process.

Other funding criteria may include:

- Availability of funds.

4. Special FY 1999 SAMHSA Activity

4.1. Cooperative Agreements for CMHS/CSAT Collaborative Program on Homeless Families: Women with Psychiatric, Substance Use, or Co-Occurring Disorders and Their Dependent Children (Short Title: Homeless Families Program, GFA No. SM 99–011)

- Application Deadline: August 11, 1999.
- *Purpose:* The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) and Center for Substance Abuse Treatment (CSAT) announce the availability of cooperative agreements for projects that will document time-limited, multi-faceted intervention models (where the intensive intervention is generally provided within a 9-month period) targeted to homeless mothers with psychiatric, substance use, or co-occurring disorders who are caring for their dependent children. This program is designed to document and evaluate interventions that will result in movement out of homelessness, stability in housing placement, family preservation or reunification, decreased alcohol and drug use, and improvement in mental health and social functioning.

The Homeless Families Program will be divided into two phases:

- Phase 1 (2 years): program documentation, individual- and cross-site evaluation design, and OMB clearance.
- Phase 2 (3 years): individual and cross-site evaluations.

This Guidance for Applicants (GFA) solicits applications for two types of cooperative agreements: Project (study site) Grants and a Coordinating Center.

- Priorities: None.
- Eligible Applicants:

Study Sites. Applications may be submitted by public organizations, such as units of State, county or local government, and by private non-profit and for-profit organizations, such as community-based organizations, universities, colleges, hospitals, and family and/or consumer operated organizations.

In order to assure the evaluation of a stable and ongoing intervention, documentation must be included in the application that the applicant has provided homeless family services, targeted to women with psychiatric and/or substance use disorders who are caring for their children, for a minimum of 2 years prior to the date of application.

Eligibility to apply for Phase 2 awards will be limited to Phase 1 grantees. Eligibility is limited to assure selection of the most promising homelessness families interventions and continuation of established collaborations between the Centers and projects. Continuation of the grants from Phase 1 to Phase 2 will be competitive, and not all Phase 1 grantees will necessarily move to Phase 2.

Coordinating Center. Applications may be submitted by organizations such as units of State or local governments and by domestic private non-profit and for-profit organizations such as

community-based organizations, universities, colleges, and hospitals.

• Grants/Amounts:

Study Sites. It is estimated that approximately $3.8 million will be available to support approximately 16 awards under this GFA in FY 1999. The average award is expected to range from $200,000 to $250,00 in total costs (direct+indirect). Actual funding levels will depend upon the availability of appropriated funds.

Coordinating Center. It is estimated that approximately $1 million will be available to support one award under this GFA in FY 1999. Actual funding level will depend upon the scope of application and the availability of appropriated funds.

• Period of Support:

Study Site: Support for Phase 1 should be requested for a period of up to 2 years. Annual awards will be made subject to continued availability of funds and progress achieved.

Coordinating Center: Support should be requested for a period of up to 5 years. Annual awards will be made subject to continued availability of funds and progress achieved.

• Catalog of Domestic Federal Assistance: 93.230

• For Programmatic or Technical Assistance (Not for application kits), contact:

Lawrence D. Rickards, Ph.D. or Frances Randolph, Dr.P.H., Homeless Programs Branch, Center for Mental Health Services, SAMHSA, 5600 Fishers Lane, Room 11C–05, Rockville, MD 20857, (301) 443–3706.

Cheryl Gallagher, M.A. or Tom Edwards, Organization of Services Branch, Center for Substance Abuse Treatment, SAMHSA, Rockwall II, 7th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6534.

• For Grants Management Assistance, contact: Stephen J. Hudak, Grants Management Specialist, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 15C–05, Rockville, Maryland 20857, (301) 443–4456.

• For Application Kits, contact: Homeless Programs Branch, Center for Mental Health Services, 5600 Fishers Lane, Room 11C–05, Rockville, MD 20857, (301) 443–3706.

All the required components of the application kit, including the PHS 5161–1 and the Standard Form 424, are also available for electronic downloading through the ''Funding Opportunities'' option on SAMHSA's World Wide Web Home Page at <http://www.samhsa.gov>.

5. Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

7. Executive Order 12372

Applications submitted in response to the FY 1999 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Office of Extramural Activities, Policy and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: May 31, 1999.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99–14228 Filed 6–4–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4442–N–10]

Notice of Proposed Information Collection for Public Comment; Community Outreach Partnership Centers Program

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: August 6, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships, 451 7th Street, Washington, DC, 202–708–1537, ext. 5861 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected entities concerning the proposed information collection to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of information to be collected; and (4) Minimize the burden of collection of information on those who are to respond; including through the use of appropriate technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of the Proposal: Notice of Funding Availability and Application Kit for the Community Outreach Partnership Centers Program (COPC).

Description of the need for the information and proposed use: The information is being collected to select grantees in this statutorily-created competitive grant program. The information is also being used to monitor the performance of grantees to ensure that they meet statutory and program goals and requirements.

Members of the affected public: Institutions of higher education undertaking outreach and applied research in their local communities:

160 applicants and 22 grantees.

Estimation of the total number of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response: Information pursuant to submitting applications will be submitted once. Information pursuant to grantee monitoring requirements will be semi-annually and at the completion of the grant.

The following chart details the respondent burden on an annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Application	160	160	80	12,800
Annual Reports	22	44	16	704
Final Reports	22	22	16	352
Recordkeeping	22	22	16	352
Total				14,208

Status of proposed information collection: OMB approved an paperwork clearance for this information collection and assigned it OMB Control No. 2528–0180, expiration date January 31, 2000.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 26, 1999.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 99–14255 Filed 6–4–99; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–110–0777–30: HAG99–0195]

Notice of Intent To Prepare an Environmental Impact Statement (EIS) on Projects Proposed in the Whiskey Creek, Bunker Creek, and Kelsey Creek Watersheds, Josephine and Curry Counties, Oregon

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement (EIS) on projects in the Whiskey Creek, Bunker Creek, and Kelsey Creek Watersheds in Josephine and Curry Counties, Oregon and Notice of Scoping Meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Medford District, Glendale Resource Area, will be preparing an EIS on the impacts of potential timber sales, opportunities for watershed restoration, wildlife habitat enhancement projects, recreational development and other projects in the Whiskey Creek, Bunker Creek and Kelsey Creek watersheds, tributaries of the Wild and Scenic section of the Rogue River. The area is located in Josephine and Curry Counties in southwest Oregon.

DATES: Written comments on the initial scoping process will be accepted until August 3, 1999. Public scoping meetings will be held from 3:00 to 7:30 p.m. on June 22, 1999 at the Grants Pass City Council Chambers, 101 NW A Street, Grants Pass, Oregon, and from 4:00 to 7:30 p.m. on July 20, 1999 at the Galice Community Hall, 10821 Galice Road, Galice, Oregon. Additional meetings will be considered as appropriate.

SUPPLEMENTARY INFORMATION: The project area includes the drainages of Whiskey, Bunker, Kelsey, Meadow, Russian, Dutch, and Quail Creeks, tributaries of the Rogue National Wild and Scenic River. The area consists of approximately 42,000 acres of generally solid-block BLM ownership with four isolated private inholdings. The northeast portion of the project area is designated a General Forest Management Area in the Medford District Resource Management Plan (RMP). The remainder is within a Late Successional Reserve (LSR). (LSR's are identified in the Northwest Forest Plan and Medford District RMP as areas to protect and enhance conditions of late-successional and old-growth forest ecosystems.) The eastern and northern boundary is the Grave Creek to Marial National Back Country Byway. The southern boundary is the Rogue River, a National Wild and Scenic River. The project area contains five relatively large unroaded areas totaling approximately 24,000 acres.

The Glendale Resource Area will be examining this area and analyzing the potential for projects. Projects may include, but are not limited to, forest health enhancement, timber sales, watershed restoration, wildlife habitat enhancement, recreation, and other projects. The no action alternative will also be analyzed in this document.

The tentative project schedule is as follows:

File Draft Environmental Impact Statement—September 2000

File Final Environmental Impact Statement—February 2001

Record of Decision—March 2001

The Bureau of Land Management's scoping process for the EIS will include: (1) Identification of issues to be addressed, (2) Identification of viable alternatives, (3) Notifying interested groups, individuals, and agencies to determine level of participation and obtain additional information concerning issues to be addressed in the EIS.

ADDRESSES: Comments should be sent to Lynda Boody, Glendale Field Manager, Medford District Bureau of Land Management, 3040 Biddle Road, Medford, OR 97504.

FOR FURTHER INFORMATION CONTACT:

Roger Schnoes, (541) 770–2296 or e-mail at or110mb@or.blm.gov.

Dated: May 26, 1999.

Lynda Boody,

Field Manager, Glendale Resource Area.

[FR Doc. 99–14321 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–926–09–1420–00]

Montana: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice.

SUMMARY: The plat of survey of the following described land is scheduled to be officially filed in the Montana State Office, Billings, Montana, thirty (30) days from the date of this publication.

T. 2 S., R. 24 E., P.M.M.

The plat, representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of sections 22 and 23, Tract 1, Certificate of Survey No. 1750, and portions of the adjusted original meanders of the left bank of the Clark's Fork of the Yellowstone River and the right bank of the Yellowstone River, and the survey of certain meanders of the present left bank of the Clark's Fork of the Yellowstone River and the present right bank of the Yellowstone River, a certain partition line and the medial line of the abandoned channel of the Clark's Fork of the Yellowstone River, the lines between lots 5a and 5aa, and lots 5c and 5d, section 23, and an informative traverse through a portion of lot 6, section 23, Township 2 South, Range 24 East, Principal Meridian, Montana, was accepted May 21, 1999.

This survey was requested by the Miles City District Office and was necessary to identify and establish boundaries for land acquired the by U.S. Government.

A copy of the preceding described plat will be immediately placed in the open files and will be available to the public as a matter of information.

If a protest against this survey, as shown on this plat, is received prior to the date of the official filing, the filing will be stayed pending consideration of the protest. This particular plat will not be officially filed until the day after all protests have been accepted or dismissed and become final or appeals from the dismissal affirmed.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107–6800.

Dated: May 25, 1999.

Daniel T. Mates,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 99–14320 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations of the following properties being considered for listing in the National Register were received by the National Park Service before May 22, 1999. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by June 22, 1999.

Carol D. Shull,

Keeper of the National Register.

ARIZONA

Maricopa County

Evergreen Historic District, Roughly between Country Club and Macdonald, N. of University Dr. to 8th St., Mesa, 99000706

West Second Street Historic District, Roughly between Robson St. and Center St., from 1st St. to 3rd St., Mesa, 99000707

Wilbur Street Historic District, Roughly between Pasadena St. and Pomeroy St., 1st St. to 3rd St., Mesa, 99000708

ARKANSAS

Johnson County

Clarksville Confederate Monument (Civil War Commemorative Sculpture MPS), Oakland Memorial Cemetery, W. of Montgomery Ave., Clarksville, 99000709

COLORADO

Douglas County

Louviers Village, Louviers Blvd., Hillcrest Dr., Triangle Dr., Main St., Valley View St, 1st, 2nd, 3rd and 4th Sts., Louviers, 99000710

FLORIDA

Brevard County

Jorgensen's General Store, 5390 US 1, Grant, 99000711

Leon County

Blackwood–Harwood Plantations Cemetery, NE of Jct. FL 263 and I–10, Tallahassee, 99000712

MISSOURI

Greene County

Campbell Avenue Historic District (Springfield MPS), 200 and 300 blocks of S. Campbell Ave. and 300 Block of Park Central West, Springfield, 99000714

South Avenue Commercial Historic District (Springfield MPS), Walnut and Pershing Sts., South and Robberson Aves., Springfield, 99000713

Springfield Warehouse and Industrial Historic District (Springfield MPS), E. Water, W. Mill and W. Phelps Sts. and Boonville Ave., Springfield, 99000715

Walnut Street Commercial Historic District (Springfield MPS), Walnut St., Springfield, 99000717

NORTH CAROLINA

Perquimans County

Mitchell—Ward House, Jct. NC 1119 and NC 1002, Belvedere vicinity, 99000716

TENNESSEE

Obion County

Caldwell Lustron House (Union City, Tennessee MPS), 1020 E. Church St., Union City, 99000718

Union County

Booker Farm, Corryton-Luttrell Rd., Luttrell vicinity, 99000721

TEXAS

Bexar County

Monastery of Our Lady of Charity, 1900 Montana, San Antonio, 99000719

Bowie County

Earl—Rochelle House, 1920 Magnolia St., Texarkana, 99000720

Brown County

Hardin, R.F., High School, 1009 Hall St., Brownwood, 99000722

Tarrant County

Botts—Fowler House, 115 N. Fourth Ave., Mansfield, 99000723

Young County

Graham Post Office, 429 Third St., Graham, 99000724

VIRGINIA

Fauquier County

North Wales, 7392 Ironwood Ln., Warrenton vicinity, 99000726

Madison County

Woodbourne, VA 657, 1.5 miles W. of Jct. US Alt. 29 and VA 657, Madison vicinity, 99000727

Rockbridge County

Moore, John, House, 183 Big Hill Rd., Lexington vicinity, 99000728

Charlottesville Independent City

Marshall-Rucker-Smith House, 620 Park St., Charlottesville, 99000725

[FR Doc. 99–14278 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of Bandelier National Monument, National Park Service, Los Alamos, NM; Correction

AGENCY: National Park Service

ACTION: Notice; correction.

SUMMARY: The National Park Service published a document in the **Federal Register** of April 23, 1999 concerning an intent to repatriate cultural items from Bandelier National Park. The document omitted a number of culturally affiliated Indian tribes.

Correction

In the **Federal Register** of April 23, 1999, in FR Doc. 99-10209, on page 20021 in the first column, correct the paragraph beginning ''Based on the above-mentioned information'' and the following paragraph beginning ''This notice has been sent to'' to read:

Based on the above-mentioned information, and the recommendations of the NAGPRA Review Committee, officials of the National Park Service have agreed that, pursuant to 42 CFR 10.2(d)(3), these 53 projectile points are needed by traditional Native American religious leaders for the practice of traditional Native American religion by present-day adherents. Officials of the National Park Service have also determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity which can be reasonably traced between these objects and the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico.

This notice has been sent to officials of the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of any other Indian Tribe that believes itself to be culturally affiliated with these objects should contact Roy W. Weaver, Superintendent, Bandelier National Monument, National Park Service, HCR 1, Box 1, Suite 15, Los Alamos, NM 87544; telephone: (505) 672-3861, ext. 501 before July 7, 1999. Repatriation of these cultural items to the Pueblo of Cochiti, New Mexico, may begin after that date if no additional claimants come forward.

Dated: May 24, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–14279 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

Trinity River Basin Fish and Wildlife Task Force; Meeting

AGENCY: Bureau of Reclamation (Reclamation), Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of a meeting of the Trinity River Basin Fish and Wildlife Task Force.

DATES: The meeting will be held on Thursday, June 17, 1999, 10:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be at the Doubletree, 1929 4th Street, Eureka, California 95501. Telephone: 707/445–0844.

FOR FURTHER INFORMATION CONTACT: Ms. Bernice A. Sullivan, Trinity-Klamath Program Coordinator, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825. Telephone: 916/978–5113 (TDD 978–5608).

SUPPLEMENTARY INFORMATION: The Trinity River Basin Fish and Wildlife Task Force will meet to formulate and implement the ongoing Trinity River watershed ecosystem management program for fish and wildlife. This program considers the needs of multiple species and their interactions with physical habitats in restoring the natural function, structure, and species composition of the ecosystem, recognizing that all components are interrelated.

Dated: June 1, 1999.

Kirk C. Rodgers,

Acting Regional Director.

[FR Doc. 99–14283 Filed 6–4–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–828 (Preliminary)]

Bulk Acetylsalicylic Acid (Aspirin) From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731–TA–828 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of bulk acetylsalicylic acid,[1] provided for in subheadings 2918.22.10 and 3003.90.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by July 12, 1999. The Commission's views are due at the Department of Commerce within five business days thereafter, or by July 19, 1999.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and

[1] The product subject to this investigation is acetylsalicylic acid (aspirin), whether or not in pharmaceutical or compound form, but not put up in measured doses, capsules or tablets for direct human consumption. Bulk aspirin consists of pure orthoacetylsalicylic acid in crystal form, or granulated into a fine powder (pharmaceutical form), or mixed with small amounts of inactive materials, such as excipients (starch, lactose, cellulose, or coloring materials). Pure aspirin, or acetylsalicylic acid, has the chemical formula $C_9H_8O_4$. It is defined by the official monograph of the United States Pharmacopoeia (USP) 23.

Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), 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

This investigation is being instituted in response to a petition filed on May 28, 1999, by Rhodia, Inc., Cranbury, NJ.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

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 investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on June 18, 1999, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202–205–3188) not later than June 15, 1999, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 23, 1999, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must 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 rules, each document filed by a party to the investigation must be served on all other parties to the investigation (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.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 1, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–14368 Filed 6–4–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

In the Matter of Certain Enhanced DRAM Devices Containing Embedded Cache Memory Registers, Components Thereof, and Products Containing Same; Notice of Investigation

[Inv. No. 337–TA–421]

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and motion for temporary relief were filed with the U.S. International Trade Commission on April 29, 1999, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Enhanced Memory Systems, Inc., 1850 Ramtron Drive, Colorado Springs, Colorado 80921. An amended complaint and a supplementary letter were filed on May 25, 1999. The complaint, as amended and 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 enhanced DRAM devices containing embedded cache memory registers, components thereof, and products containing same by reason of infringement of claims 26 and 27 of U.S. Letters Patent 5,721,862, and claims 2, 6, 17, 18 and 27–31 of U.S. Letters Patent 5,887,272. The complaint further alleges that there exists an industry in the United States 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 exclusion order and permanent cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary limited exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of certain enhanced DRAM devices containing embedded cache memory registers, components thereof, and products containing same that infringe claim 26 of U.S. Letters Patent 5,721,862, and claim 27 of U.S. Letters Patent 5,887,272, during the course of the Commission's investigation.

ADDRESSES: The complaint and motion for temporary relief, except for any confidential information contained therein, are 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, S.W., Room 112, Washington, D.C. 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 be obtained by accessing its internet server (http://www.usitc.gov).

FOR FURTHER INFORMATION CONTACT: James B. Coughlan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2221.

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 C.F.R. § 210.10. The authority for provisional acceptance of the motion for temporary relief is contained in section 210.58, 19 C.F.R. § 210.58.

Scope of Investigation

Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on June 2, 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 enhanced DRAM devices containing embedded cache memory registers, components thereof, or products containing same by reason of infringement of claims 26 or 27 of U.S. Letters Patent 5,721,862, or claims 2, 6, 17, 18, 27, 28, 29, 30 or 31 of U.S. Letters Patent 5,887,272, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to section 210.58 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.58, the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, is provisionally accepted and referred to the presiding Administrative Law Judge for investigation.

(3) 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—Enhanced Memory Systems, Inc., 1850 Ramtron Drive, Colorado Springs, Colorado 80921.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

NEC Corporation, 7–1, Shiba 5-chome Minato-ku, Tokyo 108–8001, Japan

NEC Electronics, Inc., 2880 Scott Blvd., Santa Clara, California 95050–8062

NEC USA, Inc., 8 Corporate Center Drive, Melville, New York 11747

(c) James B. Coughlan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–L, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation and temporary relief proceedings so instituted, the Honorable Sidney Harris is designated as the presiding Administrative Law Judge.

Responses to the complaint, the motion for temporary relief and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 and 210.59 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.13 and 210.59. Pursuant to sections 201.16(d), 210.13(a), and 210.59 of the Commission's Rules, 19 C.F.R. §§ 201.16(d), 210.13(a), and 210.59, such responses will be considered by the Commission if received not later than 10 days after the date of service by the Commission of the complaint, the motion for temporary relief and the 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, in the motion for temporary relief and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief 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, motion for temporary relief 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 3, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–14526 Filed 6–4–99; 8:45 am]

BILLING CODE 7020–20–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–374 (Review)]

Potassium Chloride (Potash) From Canada

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year review.

SUMMARY: The subject five-year review was initiated in April 1999 to determine whether termination of the existing suspension agreement on potassium chloride from Canada would be likely to lead to continuation or recurrence of dumping and of material injury to a domestic industry. On May 28, 1999, the Department of Commerce published notice that it was terminating the suspended investigation and revoking the order because no domestic interested party responded to its notice of initiation by the applicable deadline (64 FR 28974, May 28, 1999). Accordingly, pursuant to section 207.69 of the Commission's Rules of Practice and Procedure (19 CFR 207.69), the subject review is terminated.

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. 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).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR § 207.69).

By order of the Commission.

Issued: June 1, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–14366 Filed 6–4–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Solid Urea From Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Latvia, and Moldova; Industrial Phosphoric Acid From Israel

[Investigation No. 731–TA–340 (Review); Investigation No. 731–TA–366 (Review)]

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year reviews.

SUMMARY: The subject five-year reviews were initiated in March 1999 to determine whether revocation of the existing antidumping duty orders would be likely to lead to continuation or recurrence of dumping and of material injury to a domestic industry. On May 5 and May 28, 1999, the Department of Commerce published notice that it was revoking the orders because no domestic interested party responded to its notice of initiation by the applicable deadline (64 FR 24137, May 5, 1999 and 64 FR 28974, May 28, 1999). Accordingly, pursuant to section 207.69 of the Commission's Rules of Practice and Procedure (19 CFR 207.69), the subject reviews are terminated.

EFFECTIVE DATE: May 5 and 28, 1999.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. 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).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR § 207.69).

By order of the Commission.

Issued: June 1, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–14367 Filed 6–4–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–278, 731–TA–329, and 731–TA–332 (Review)]

Standard Chrysanthemums From the Netherlands, Fresh Cut Flowers From Colombia, and Standard Carnations From Kenya

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year reviews.

SUMMARY: The subject five-year reviews were initiated in February 1999 to determine whether revocation of the existing countervailing/antidumping duty orders would be likely to lead to continuation or recurrence of subsidization/dumping and of material injury to a domestic industry. On May 7 and 28, 1999, the Department of Commerce published notice that it was revoking the orders because no domestic interested party responded to its notice of initiation by the applicable deadline (64 FR 24572, May 7, 1999) or, with respect to fresh cut flowers from Colombia, because the domestic interested parties have withdrawn, in full, their participation in the review (64 FR 28975, May 28, 1999). Accordingly, pursuant to section 207.69 of the Commission's Rules of Practice and Procedure (19 CFR 207.69), the subject reviews are terminated.

EFFECTIVE DATE: May 7 and 28, 1999.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. 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).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR § 207.69).

By order of the Commission.

Issued: June 1, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–14365 Filed 6–4–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated May 17, 1998, and published in the **Federal Register** on May 19, 1998 (63 FR 27587), Arenol Corporation, which has changed its address to 2820 North Normandy Drive, Petersburg, Virginia 23805, 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
Methamphetamine (1105)	II
Phenylacetone (8501)	II

The firm plans to import the listed controlled substances to manufacture pharmaceutical 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 Arenol Corporation to import methamphetamine and 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 Arenol Corporation 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: May 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–14237 Filed 6–4–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances Notice of Registration

By Notice dated December 14, 1998, and published in the **Federal Register** on December 23, 1998, (63 FR 71155), Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Building 18, Chattanooga, Tennessee 37409, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105)	II
Phenylacetone (8501)	II

The firm plans to import the phenylacetone to manufacture methamphetamine and to import racemic methamphetamine for resolution into the d- and 1-stereoisomers.

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 Chattem Chemicals, Inc. to import methamphetamine and 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 Chattem Chemicals, Inc. to ensure that the company's registration is consistent with the public interest. 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 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substance listed above.

Dated: May 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–14238 Filed 6–4–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 23, 1999, Radian International LLC, 14050 Summit Drive, Suite 121, P.O. Box 201088, Austin, Texas 78720–1088, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
3,4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylene-dioxy-meth-amphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allyprodine (9602)	I
Alphacetylmethadol except Levo-Alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydromorphinol (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidino-cyclohexane-carbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hyromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Morphine (9300)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Alfentanile (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to make deuterated and non-deuterated drug reference standards which will be distributed to analytical and forensic laboratories for drug testing programs.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than August 6, 1999.

Dated: May 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–14236 Filed 6–4–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10747]

Proposed Exemption; Bankers Trust Company, BT Alex Brown Incorporated, and Deutsche Bank AG

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Request

All interested persons are invited to submit written comments or request for a hearing on the pending exemption, within 33 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. *D–10747*. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 3 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing.

SUPPLEMENTARY INFORMATION: The proposed exemption was requested in an application filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of proposed exemption is issued solely by the Department.

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for a complete statement of the facts and representations.

Bankers Trust Company, New York, New York; BT Alex. Brown Incorporated; Deutsche Bank AG

[Application No. D–10747]

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975 of the Code and in accordance with the procedures set forth in 29 CFR 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Section I. Bankers Trust Company

If the exemption is granted, Bankers Trust Company shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to Prohibited Transaction Exemption 84–14 (49 FR 9494, March 13, 1984) (PTE 84–14) for the period beginning on the date of sentencing with respect to the charges to which Bankers Trust Company pled guilty on March 11, 1999 and ending five years [1] from the date of publication of the final exemption in the **Federal Register**, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of the conviction of Bankers Trust Company for felonies described in the March 11, 1999 felony information (the Information) entered in the U.S. District Court for the Southern District of New York, provided that:

(a) this exemption is not applicable if Bankers Trust Company becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14; and

(b) this exemption is not applicable if Bankers Trust Company is convicted of any of the crimes described in section I(g) of PTE 84–14, other than those felonies discussed in the Information;

(c) the custody operations that were part of Bankers Trust Company at the time of the March 11, 1999 information, and which have subsequently been reorganized as part of Global Institutional Services (GIS), are subject to an annual examination of its abandoned property and escheatment policies, procedures and practices by an independent public accounting firm. The examination required by this condition shall determine whether the written procedures adopted by Bankers Trust Company are properly designed to assure compliance with the requirements of ERISA. The annual examination shall specifically require a determination by the auditor as to whether the Bank has developed and adopted internal policies and procedures that achieve appropriate control objectives and shall include a test of a representative sample of transactions, fifty percent of which must involve ERISA covered plans, to determine operational compliance with such policies and procedures. The auditor shall issue a written report describing the steps performed by the auditor during the course of its examination. The report shall include the auditor's specific findings and recommendations. This requirement shall continue to be applicable to the custody operations that were part of Bankers Trust Company as of March 11, 1999, notwithstanding any subsequent reorganization of the custody operation function during the term of the exemption.

(d) With respect to the independent audit report described in section I(c) above:

(1) Bankers Trust Company shall provide notice to the Department of any instances of the Bank's noncompliance with the written policies and procedures reviewed by the auditor within 10 business days after such noncompliance is determined by the auditor notwithstanding the fact that the examination may not have been

[1] If granted, this exemption will extend for a period of approximately five years. However, Bankers Trust Company may, prior to its expiration, apply for an extension of the exemption.

completed as of that date. Upon request, the auditor shall provide the Department with all of the relevant workpapers reflecting the instances of noncompliance. The workpapers should identify whether and to what extent the assets of ERISA plans were involved in the instances of noncompliance, and

(2) Any information relating to the Bank's noncompliance with the written policies and procedures that is required by Federal and/or state banking authorities to be reported to the state and/or Federal banking agencies shall also be reported by Bankers Trust Company to the Department within the same time frames that such information is otherwise required to be reported to those agencies.

(e) the annual examination described in section I(c) above will be provided to the Department not later than 90 days following the 12 month period to which it relates, and will be unconditionally available for examination by any duly authorized employee or representative of the Department, Internal Revenue Service, Securities and Exchange Commission or Department of Justice or other relevant regulators and any fiduciary of a plan for which Bankers Trust Company performs services.

Section II

If the exemption is granted, BT Alex. Brown Incorporated and its subsidiaries and Deutsche Bank AG shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to PTE 84–14 for the period beginning on the date of sentencing with respect to the charges to which Bankers Trust Company pled guilty on March 11, 1999 and ending ten years from the date of publication of the final exemption in the **Federal Register**, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of an affiliation with Bankers Trust Company, provided that:

(a) this exemption is not applicable if BT Alex. Brown Incorporated, its subsidiaries or Deutsche Bank AG becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14; and

(b) this exemption is not applicable if BT Alex. Brown Incorporated, its subsidiaries or Deutsche Bank AG is convicted of any of the crimes described in section I(g) of PTE 84–14.

Section III. Definitions

(a) For purposes of this exemption, the term ''Bankers Trust Company'' includes Bankers Trust Company and any entity that was affiliated with Bankers Trust Company prior to the date of the acquisition of Bankers Trust Corporation by Deutsche Bank AG, other than BT Alex. Brown Incorporated and its subsidiaries.

(b) For purposes of this exemption, ''Deutsche Bank AG'' includes Deutsche Bank AG and any entity that was affiliated with Deutsche Bank AG prior to the date of the acquisition of Bankers Trust Corporation by Deutsche Bank AG, and any future affiliates, other than Bankers Trust Company, as defined in subsection (a).

(c) The term ''affiliate'' of a person means—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any director of, relative of, or partner in, any such person,

(3) Any corporation, partnership, trust or unincorporated enterprise of which such person is an officer, director, or a 5 percent or more partner or owner, and,

(4) Any employee or officer of the person who—

(A) is a highly compensated employee (as defined in section 4975(e)(2)(H) of the Code) or officer (earning 10 percent or more of the yearly wages of such person) or,

(B) has direct or indirect authority, responsibility or control regarding the custody, management or disposition of plan assets.

(d) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Summary of Facts and Representations

1. Bankers Trust Company is a New York banking corporation and a commercial bank which provides a wide range of banking, fiduciary, recordkeeping, custodial, brokerage and investment services to corporations, institutions, governments, employee benefit plans, governmental retirement plans and private investors worldwide. Bankers Trust Company is wholly owned by Bankers Trust Corporation, a bank holding company established in 1965 under the laws of the State of New York. As of December 31, 1997, Bankers Trust Corporation and its affiliates had consolidated assets of $140,102,000,000 and total stockholders' equity of $5,708,000,000.

2. The corporate entity known as BT Alex. Brown Incorporated resulted from the September 1, 1997 merger of Alex. Brown Incorporated with a Bankers Trust Corporation subsidiary (the new entity was renamed BT Alex. Brown Holdings Incorporated). Alex. Brown & Sons Incorporated, a U.S. registered broker-dealer subsidiary of Alex. Brown Incorporated, was merged into BT Securities Corporation (the new entity was renamed BT Alex. Brown Incorporated). The merged broker-dealer, BT Alex. Brown Incorporated, is a wholly-owned subsidiary of Bankers Trust Corporation. Its predecessor, Alex. Brown & Sons Incorporated was not affiliated with Bankers Trust Corporation when the conduct which resulted in the Plea Agreement took place. BT Securities Corporation has never been a subsidiary of Bankers Trust Company.

3. In the second quarter of 1999, Bankers Trust Company expects that Bankers Trust Corporation will be acquired by Deutsche Bank AG, a bank organized under the laws of Germany.

4. On March 11, 1999, the United States Attorney for the Southern District of New York filed a three-count felony information (the ''Information'') in the United States District Court for the Southern District of New York (the ''Court'') alleging violations of 18 U.S.C. § 1005. The Information charges Bankers Trust Company with making false entries on its books and records as a result of the conduct of certain employees in 1994–6 in Bankers Trust's processing services businesses. The conduct involved the transfer to reserve accounts and to income of aged credit items that should have been paid to customers or other third parties, or paid to state abandoned property authorities. Some of these aged credit items represented assets of ERISA covered employee benefit plans. On the same day, Bankers Trust Company entered a plea of guilty to the charges in the Information pursuant to a written plea agreement (the ''Plea Agreement''). In the Plea Agreement, Bankers Trust Company agreed to pay a fine of $60 million and placed that amount in escrow pending sentencing. The Plea Agreement provides that sentencing will be postponed to a date on or before June 21, 1999. Bankers Trust Company has cooperated with the appropriate authorities in the investigation.

5. Bankers Trust Company represents that although none of the unlawful conduct involved its (or its affiliates) investment management activities, the criminal conduct described above would preclude each component of Bankers Trust Company, BT Alex. Brown, Bankers Trust Australia Funds Limited, and other affiliated investment managers from serving as a ''qualified professional asset manager'' (QPAM) pursuant to PTE 84–14. PTE 84–14 provides broad relief from the prohibited transaction provisions of ERISA and the Code for transactions

between parties in interest with respect to a plan and an investment fund in which the plan has an interest when such fund is managed by a QPAM, the QPAM makes the decision to enter into the transaction, and the other conditions of the exemption are met. Section I(g) of PTE 84–14 precludes a person who otherwise qualifies as a QPAM from serving as a QPAM if such person or an affiliate [2] thereof has, within the ten years immediately preceding the transaction been either convicted or released from imprisonment, whichever is later, as a result of certain specified criminal activity.

6. Bankers Trust Company represents that the clientele it serves includes large employee benefit plans subject to the Act. They maintain that, given the size and number of the plans which Bankers Trust Company represents, the large number of financial service providers engaged by such plans, the breadth of the definition of party in interest under the Act, and the array of services offered by Bankers Trust Company, it would not be uncommon for a plan for which Bankers Trust Company currently serves as a QPAM to engage in a transaction which may involve a party in interest.

7. Bankers Trust Company states that other statutory and class exemptions exist which cover purchases and sales of securities from U.S. banks or broker-dealers; securities lending to U.S. banks or broker-dealers; mortgage pool investment trusts; investment in short-term instruments such as repurchase agreements (with a bank supervised by a State or by the United States or a broker-dealer registered under the Securities Exchange Act of 1934 or a dealer in government securities who reports daily to the Federal Reserve Bank of New York), bankers' acceptances in banks supervised by a State or by the United States, commercial paper or deposits of a bank supervised by a State or by the United States. Bankers Trust notes, however, that without the relief provided by PTE 84–14, a plan advised by Bankers Trust Company or its affiliates would be unable to invest in real estate, mortgages, or commodities, to engage in purchases and sales of securities from and to foreign banks or broker-dealers, to lend securities to foreign banks and broker-dealers, or to invest in deposits of foreign banks, if such transactions involve a party in interest.

8. Bankers Trust Company requests an exemption to enable it and its current and future affiliates, to function as QPAMs despite their failure to satisfy section I(g) of PTE 84–14 as a result of the judgment of conviction to be entered against Bankers Trust Company.[3] The proposed exemption is requested on behalf of Bankers Trust Company and its affiliates. The proposed exemption is also requested on behalf of such entities that may become affiliated with Bankers Trust Company or its corporate successor(s), including but not limited to Deutsche Bank AG and its affiliates. The transactions covered by the proposed exemption would include the full range of transactions that can be executed by investment managers who qualify as QPAMs pursuant to PTE 84–14 and satisfy the conditions contained therein. Deutsche Bank AG represents that, subsequent to the acquisition of Bankers Trust Corporation, it will assume responsibility on behalf of Bankers Trust Company for compliance with all of the conditions of the proposed exemption and all of the commitments contained in the Bankers Trust Company exemption application, notwithstanding any subsequent reorganization of Bankers Trust Company or Bankers Trust Corporation. Thus, for example, Deutsche Bank AG has agreed to ongoing responsibility for the annual examination of the custody operations that were part of Bankers Trust Company at the time of the March 11, 1999 information and for any reporting to the Department in connection with that examination.

9. According to Bankers Trust Company, the conduct relating to the Plea Agreement was discovered by the Bank itself and brought to the attention of the U.S. Attorney and the banking regulators. Bankers Trust Company, on its own initiative, engaged Arthur Andersen & Co., one of the largest independent accounting firms in the world, with substantial experience and expertise with banking and financial institutions, to undertake a review of the Client Processing Services unit, which has been now reorganized as part of Global Institutional Services (''GIS''). Arthur Andersen spent over 100,000 hours on the investigation. Arthur Andersen identified transactions which had been recorded to income. These transactions have since been reversed. Bankers Trust has substantially completed the process of compensating any clients or third parties affected by these transactions or escheating unidentified funds to the appropriate state as abandoned property.

10. In addition, Bankers Trust Company represents that the law firm of Sullivan & Cromwell was engaged to aid in the investigation. The Senior Control Officer Group (SCOG) [4] in consultation with Sullivan & Cromwell determined the individuals that would be evaluated for potential discipline. This determination was made as a result of a review of hundreds of thousands of e-mail messages and transaction records and interviews of dozens of Bankers Trust Company employees. SCOG and Sullivan and Cromwell met to discuss the issues raised by the interviews and documents for each employee and jointly reached a recommendation regarding the appropriate discipline for each employee.

11. Bankers Trust Company represents that by the end of the investigation, 13 employees who were in various ways related to the events that were the subject of the Information had resigned and 27 other employees received other forms of disciplinary action. None of the individuals responsible for the action upon which the Information is based are currently employed by Bankers Trust Company. In addition to asking employees to resign, the disciplinary actions taken were, reassignment out of the fiduciary business, compensation penalties, reprimand or mandatory retraining. Bankers Trust Company determined the level of discipline that was appropriate based on the following criteria: the employee's position during the relevant conduct; the employee's relevant educational and professional background; the employee's degree of involvement with the transaction, and the nature of the transaction. Bankers Trust Company believes that it has identified and considered all individuals who should have been disciplined in this matter.

Bankers Trust Company represents that it has undertaken to appropriately identify and discipline all individuals involved in the conduct which gave rise

[2] For purposes of section I(g) of PTE 84–14, an ''affiliate'' of a person is defined, in relevant part, as ''any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with the person . . .'' (PTE 84–14, section V(d)). Bankers Trust Corporation, Bankers Trust Company, its sister companies, and its subsidiaries would be treated as affiliates under this definition. Deutsche Bank AG, and its affiliates, will be treated as affiliates under this definition as of the effective date of its acquisition of Bankers Trust Corporation, the parent of Bankers Trust Company.

[3] Section I(g) provides that for purposes of that subsection, ''a person shall be deemed to have been 'convicted' from the date of the judgement of the trial court, regardless of whether that judgement remains under appeal.'' Until an appealable order is entered, there is no judgement of conviction under section I(g). Bankers Trust represents that an appealable order will be entered at sentencing, which is scheduled for June 21, 1999.

[4] Bankers Trust Company states that SCOG is comprised of individuals who operate completely independent of any business line, including CPS, and had no involvement with the transactions under investigation.

to the guilty plea by Bankers Trust Company, and similar conduct not covered by the plea, all of which was investigated by Bankers Trust Company in 1996 and 1997. This conduct was found by Bankers Trust Company to involve taking unclaimed funds into income of Bankers Trust Company without adequate documentation that such funds belonged to Bankers Trust Company, as well as other accounting practices designed to misstate revenue or expenses of Bankers Trust Company for a particular time period. In addition to steps already taken, Bankers Trust Company agrees that it will, upon request of the Pension and Welfare Benefits Administration (PWBA), appoint and compensate a Special Master acceptable to PWBA to review the behavior of those individuals (and any discipline which has already been imposed on them) who remain at the Bankers Trust Company (its successors or assigns), when the proceeding by the Special Master commences who fall into any of the following categories:

(1) Persons with respect to whom a presentation was made to a disciplinary review committee of Bankers Trust Company based on any allegation that an individual was, directly or indirectly, involved in claiming funds for Bankers Trust Company without adequate documentation that such funds belonged to Bankers Trust Company;

(2) Persons selected by PWBA who were involved, directly or indirectly, in any of the above described misconduct, whether or not specifically investigated by Bankers Trust Company;

(3) Persons selected by PWBA who were involved in conducting, implementing, supervising, or overseeing the investigative and disciplinary process on behalf of Bankers Trust Company designed: (a) to assure that all improper accounting was appropriately corrected; and (b) to discipline individuals involved in claiming funds for Bankers Trust Company without adequate documentation that such funds belonged to Bankers Trust Company or misstating income or expenses of Bankers Trust Company; and

(4) Persons selected by PWBA who were involved in responding to inquiries from any governmental agency regarding allegations that Bankers Trust Company claimed funds without adequate documentation that such funds belonged to Bankers Trust Company, failed to appropriately escheat abandoned funds, or misstated income or expenses of Bankers Trust Company.

If a Special Master is requested by PWBA, the Bankers Trust Company will submit to PWBA for its approval a proposed engagement letter relating to the scope of the review which shall include, at a minimum, the following requirements:

(a) The Special Master shall determine conclusively on behalf of Bankers Trust Company, what discipline for each such individual would be appropriate, up to and including dismissal to assure that their discipline was adequate to deter future misconduct by the individual and others in similar positions, and to assure that no such individual, found by the Special Master to be untrustworthy, would be involved, directly or indirectly, in handling assets subject to the Employee Retirement Income Security Act;

(b) The Special Master shall report to PWBA regarding any information that comes to the attention of the Special Master, in the course of performing his other duties, which suggests that the continued presence of any person as an employee or contractor of Bankers Trust Company might imperil the safekeeping or appropriate investment of employee benefit plan assets covered by the Act, or any other such information which the Special Master, in his discretion, believes would be useful to PWBA in performing its mission;

(c) The Special Master shall, in addition, provide to PWBA, upon request, any materials submitted by or on behalf of Bankers Trust Company to the Special Master or by the Special Master to Bankers Trust Company;

(d) To the extent permitted by law, Bankers Trust Company shall provide the Special Master with all documents concerning the behavior of such individuals as the Special Master, in his sole discretion, shall deem relevant, and shall require all employees and contractors to respond fully and completely to all inquiries by the Special Master as a condition of their employment by Bankers Trust Company;

(e) Bankers Trust Company further will promptly impose any discipline found appropriate by the Special Master; and

(f) The Special Master will use best efforts to complete his assignment within a specified period of time, but his failure to do so may not be grounds for dismissal or failure by Bankers Trust Company to honor all terms of the engagement letter, unless PWBA agrees in writing to such dismissal or failure to comply. Bankers Trust Company further agrees that any individual who has resigned, been dismissed, or transferred following involvement in claiming funds for Bankers Trust Company without adequate documentation that such funds belonged to Bankers Trust Company or misstating income or expenses of Bankers Trust Company, so that they are not presently involved in the handling of ERISA covered employee benefit plan assets on behalf of Bankers Trust Company, will not in the future be permitted by Bankers Trust Company to handle such assets on its behalf as an employee or contractor. Similarly, Bankers Trust Company agrees that any individual who was disciplined in connection with the conduct described above, but who was not, at the time of their discipline, involved in handling employee benefit plan assets subject to the Act, will not in the future be permitted to handle such assets on behalf of Bankers Trust Company. Notwithstanding the agreements in this paragraph, Bankers Trust Company may, within 60 days of retaining the Special Master, with notice to PWBA, request that the Special Master review the conduct of any individual whose involvement with employee benefit plan assets is proscribed by this paragraph. Upon request for such review, the Special Master shall determine whether the limitations imposed by this paragraph should be modified, using the same standards which he would use in determining appropriate discipline for an individual described in numbered paragraphs (1)–(4). In performing this duty, the Special Master shall be given the same cooperation as he would receive in reviewing the discipline of an individual described in numbered paragraphs (1)–(4).

12. Bankers Trust Company further represents that substantial training has been provided to 2000 employees thus far. The training is in the process of being provided to the remainder of GIS employees and will be given monthly thereafter for new employees. As part of its enhanced process to establish and maintain a proper control environment, Bankers Trust represents that it developed a training plan to ensure that employees are aware of the important responsibilities for the proper handling of client funds. The ''Business Practices'' course was developed with Arthur Andersen and taught jointly with them. The full day's course presents the legal and regulatory issues and responsible business practices for everyday operations, including fiduciary requirements of ERISA and the appropriate method for dealing with suspected misconduct.

13. Bankers Trust Company represents that various corrective measures have been taken by it to help ensure that conduct such as that

involved in the Plea Agreement will not recur. New controls have been implemented, and a risk management infrastructure has been developed with risk managers assigned to each business area reporting directly to the Corporate Controller.

14. Arthur Andersen provided recommendations to the Bank for its consideration in augmenting the controls applicable to its processing business. In the area of organization, Arthur Andersen recommended that controllers for each product line in GIS report to a corporate controller, who reports directly to the Chief Financial Officer of the Bank. In Arthur Andersen's view, segregation of the accounting control function from operations is paramount to a strong control environment. Bankers Trust Company agreed, creating controllers for each business in GIS, who report to the CFO.

15. Arthur Andersen also recommended that the Bank adopt a centralized escheatment process. In response to this recommendation, a separate unit of Arthur Andersen with expertise in abandoned property was engaged to assist in assessing the existing control processes affecting abandoned property and escheatment. Bankers Trust Company represents that as a result of this assessment, controls over aged credit items and escheatment procedures have been enhanced. Specifically, Bankers Trust Company has created an Abandoned Property Officer, who is responsible for the Bank's escheatment filings. The Abandoned Property Officer coordinates with the Legal and Compliance Department of the Bank to provide guidance to the business lines and to provide clear guidelines for administering the escheatment process. Arthur Andersen also recommended that each business unit assign an individual to be responsible for the escheatment process in their respective areas and detail their responsibilities and reporting lines with formal procedures established for escheating aged items. Arthur Andersen further recommended that enhanced standards be established for documenting escheated items and that managers and operations employees be trained on internal policy and procedures. Finally, in the area of organization, Arthur Andersen recommended that procedures providing for proper accounting and disposition of credits be established and that training be provided in the accounting for those items. Bankers Trust Company represents that it has created an entire manual on escheatment policies and procedures, and all employees responsible for making decisions on accounting and escheatment have been trained in these procedures and will continue to be trained periodically in these areas.

16. In the area of internal audit, Arthur Andersen recommended that audit procedures be revised to ensure that aged items will be formally tracked and followed until any of the issues concerning the items are resolved properly. Arthur Andersen recommended that internal audit employees be formally trained regarding escheatment laws and regulations and that internal audit personnel focus on the operational controls and proper procedures relating to abandoned property. Bankers Trust Company represents that it has created new audit procedures for internal audit staff in these areas. Internal audit staff have received Certified Trust Audit training from an outside organization and will be trained in Bankers Trust Company's abandoned property procedures.

17. In the area of in-house legal services, Arthur Andersen recommended that there be a corporate policy for the escheatment of abandoned property which is approved by business operations, corporate controllers and the Legal Department before adoption, with procedures to provide clear guidance on referral of issues to the Legal Department respecting proper treatment and escheatment of aged items. Since these recommendations were made, an official ''Abandoned Property Policy'' has been adopted, and procedures have been developed on escheatment which focus on proper referrals to the Legal Department.

18. Arthur Andersen also made recommendations regarding the function of the controllers group, including the development of a reporting mechanism for the aging of debits and credits; the prompt return of property to the rightful owners, once identified; and the development of more formal procedures for researching debits and credits. Bankers Trust Company represents that management information systems have been developed in response to these recommendations, which allow both the controllers and the business line operations management to track the research and identification of debits and credits and evaluate the process in terms of age, size and other relevant factors. Also in the controllers' area, Arthur Andersen recommended that the level of suspense items be reduced and procedures developed to research outstanding items. In this connection, Arthur Andersen recommended that the Bank improve its tracking and promptness of reconciling items, with better descriptions of such items and clear responsibility for reconciling these items. In response to this recommendation, Bankers Trust Company represents that it has significantly upgraded the level and review of operational control indicators. Specifically, key control indicators have been defined and developed across all business areas. Monthly control management information systems (MIS) packages have been developed in each business unit which are reviewed at a monthly control meeting chaired by the GIS Business head and attended by business unit heads, controllers, compliance and legal personnel and internal audit staff.

19. With respect to ERISA plans, Arthur Andersen recommended that procedures and policies be developed concerning checks paid to plan participants that have not been cashed by the participant and that an independent group, such as compliance, be established to monitor all customer complaints on a centralized basis, with a follow-up audit to determine whether various aspects of client agreements in connection with billing, return of excess funds, etc. are being complied with. Bankers Trust Company represents that it has instituted policies to insure that assets belonging to employee benefit plans do not reach the point of being treated as abandoned property to be escheated. In this connection, Bankers Trust Company has promulgated policies and procedures for the Retirement Services Group within GIS which, among other things, require that plan sponsors receive a monthly list of uncashed checks older than 45 days; that plan sponsors are reminded that it is the plan sponsor's obligation and responsibility to find missing participants, and that plan sponsors are specifically requested to provide directions on amounts outstanding for more than one year. Check ledgers and class action records are retained by the Bank for 15 years. Plans which terminate their relationship with Bankers Trust Company will have any amounts still outstanding after six months forwarded to their successor trustees. With respect to terminated plans, Bankers Trust Company will forward any amounts still outstanding after six months to the responsible plan fiduciary. In addition, Bankers Trust Company represents that it has established policies which require complaints to be brought to the attention of a supervisor immediately and tracked in an MIS system so that

management can evaluate the aging and resolution of complaints. The policies further require that, if not resolved promptly, the complaint must be elevated to a more senior manager, or to Compliance and the Legal Department if the issue is out of the ordinary course of daily operations.

20. In the area of ownership and accountability of customer accounts, Arthur Andersen recommended that each business area develop a chart of accounts, identifying the responsible officer, the proof schedule, approval levels for account openings, closings and changes, with procedures for maintenance of proper documentation for customer and beneficiary amounts and controls on unclaimed amounts. Bankers Trust Company represents that it has undergone a comprehensive account review. Over 25,000 general ledger accounts have been closed, and new procedures and control reports were developed to identify inactive, obsolete and erroneous accounts. In addition, a chart of accounts was established through the use of a centralized account database. All accounts have clear ownership, purpose, and account descriptions. With respect to each account, an administrator is responsible for verifying on a monthly basis that the account is being used according to its official purpose, is being reconciled on a regular basis and is still active. On a going-forward basis, senior management receives regular MIS reports regarding account activity. In addition, Bankers Trust Company represents that procedures are in place to close inactive or dormant accounts on a regular basis.

21. Arthur Andersen recommended better procedures for handling class actions and tax refunds, and Bankers Trust Company represents that it is enhancing its current policies to establish additional procedures for preservation of the names of beneficial holders of securities that may result in class action payments, both for existing plans and for terminated plan relationships. In addition, Bankers Trust Company has revised its procedures to maintain canceled check reports and ledgers for 15 years. Bankers Trust Company further represents that escheatment records are kept indefinitely.

22. In addition to the review conducted by Arthur Anderson, Bankers Trust Company engaged KPMG, an international accounting firm, who are the Bank's auditors, to perform an independent risk assessment and controls review across GIS. Bankers Trust Company represents that this review had several objectives: (1) to provide an examination of the various control enhancement initiatives that were underway (e.g. account usage); (2) to provide an assessment of the risk identification and control mechanisms across GIS business with, as necessary, control improvement recommendations; and to evaluate the control environment and risk management strategies including recommendations on risk management, legal and compliance structure.

23. Following this review, several control improvements were recommended throughout the various business units. Bankers Trust Company represents that detailed plans were established to implement the improvements with critical/mandatory improvements implemented by year-end 1998. In addition, recommendations to establish a GIS risk management function were implemented by the appointment of a GIS risk manager. In order to provide for an ongoing self-assessment of the control environment, Bankers Trust Company notes that a GIS-wide risk database was created. This database houses all key GIS operational processes and control points and is maintained and updated by the business unit risk managers as operational processes and control points are altered or changed.

24. KPMG has confirmed that based on its involvement over the past two years with respect to the GIS business, Bankers Trust Company has implemented policies and procedures to address the mandatory gaps identified in the risk assessment review performed by KPMG, as well as the recommendations made by Arthur Anderson at the conclusion of their forensic investigation. KPMG also represents that Bankers Trust Company continues to make substantial progress working toward a ''best practices'' control environment and that progress regarding remaining control enhancement initiatives continues to be closely monitored at the monthly control review meetings conducted since October, 1997 which all senior management in the GIS business.

25. Bankers Trust Company is subject to the continuing supervision of both the New York State Banking Department and the Federal Reserve Bank of New York. The Federal Reserve Bank of New York (FRBNY) and the New York Banking Department conduct joint annual examinations of the Bank, including its fiduciary operations. As part of its supervision, the New York State Department of Banking entered into a settlement agreement with Bankers Trust Company, pursuant to which Banker Trust Company agreed to pay $3.5 million to the State of New York. It reached this agreement based on the fact that Bankers Trust Company had retained outside counsel and an independent accounting firm to assist the Bank in performing a comprehensive forensic and diagnostic review of the activities of its custody and processing businesses during the relevant period and based on that review, had taken the following remedial steps: (1) the Bank adopted improved policies and procedures relating to accounting practices, risk assessment, compliance and internal control procedures, and management information reporting; (2) the Bank adopted new training programs for its personnel in this area with respect to business practices and responsible decision making; (3) the Bank replaced and supplemented personnel in this area, including the replacement of the head of the business group and the head of the areas specifically involved in the offending behavior; (4) the Bank created an independent risk management and control function that reports outside the business line to the senior management in charge of corporate risk management and control; (5) the Bank enhanced its internal audit functions including expansion of the audit scope and increasing the size of the audit staff; (6) the annual external audit of the business was extended to include a review of the improved policies and procedures detailed in paragraph one above; and (7) the Bank commenced and substantially completed appropriate restitution of the amounts involved. In addition to the payment to the State of New York, Bankers Trust Company committed to maintaining the new policies, procedures and internal audit scope and frequency described above and to make no material changes therein without the prior approval of the New York State Banking Superintendent and to provide such periodic reports to the Superintendent and to the Bank's Board of Directors as they may request regarding compliance with the new policies and procedures. The New York State Banking Department concluded, in a letter dated March 11, 1999 to Frank Newman, Chairman of Board of Bankers Trust Company, that based on the actions taken by the Bank to date, ''Bankers Trust has put into place the appropriate controls with respect to the management of the affected businesses''.

26. The Federal Reserve Bank of New York also provided information in a written submission to assist the Department in its review of Bankers Trust Company exemption application. The FRBNY has a statutory obligation to

inspect the books and records of Bankers Trust Company and monitor its internal controls to ensure that adequate policies and procedures are in place with respect to fiduciary obligations. See 12 U.S.C. 248(a), 325 and 1831m. The FRBNY carries out its responsibility to examine Bankers Trust Company pursuant to delegated authority from the Board, and shall continue to do so. Under the Plea Agreement entered in the matter of *United States* v. *Bankers Trust Company*, 99 Cr. 250 (S.D.N.Y Mar 11, 1999), the Bank has submitted to the FRBNY for review and approval ''the written internal compliance procedures which the Bank has already implemented for the strengthening and maintenance of its records, systems and internal audit and controls, in order to ensure that such misconduct will not recur in the future.''

27. As a condition of the proposed exemption, Bankers Trust Company has agreed to an annual examination of its custody operations as it relates to abandoned property and escheatment matters. The examination is to be undertaken by an independent public accounting firm [5] and will be designed to assist in determining whether the written procedures adopted by the Bank are properly designed to assure compliance with the requirements of ERISA. The examination will specifically require a determination by the auditor as to whether or not the Bank has developed adequate internal policies and procedures relating to abandoned property and escheatment matters and would include a test of a representative sample of transactions to determine operational compliance with such policies and procedures, with a written report describing the steps performed by the auditor during the course of its examination and the auditor's specific findings and recommendations. The auditor's report will be delivered to the Department within 90 days of the close of the 12 month period to which it relates and will be unconditionally available to other government regulators and the plan fiduciaries upon request.[6] KPMG, an international accounting firm, who is the Banks auditor, or other successor independent auditors, will perform this annual audit.

28. Bankers Trust Company asserts that failure to grant the requested exemption will prohibit employee benefit plans for which Bankers Trust Company affiliates act as investment managers from engaging in transactions with parties in interest that would otherwise be permitted under PTE 84–14, and will cause the plans to forego attractive investment opportunities. Bankers Trust Company notes that many of its current and future affiliates, as well as the Bank itself, would be deprived of their abilities to offer and render the full panoply of specialized investment advisory services demanded by employee benefit plans covered by the Act. Bankers Trust Company represents that the conduct referenced in the Plea Agreement did not involve the investment management functions of the Bank or its investment management affiliates. Bankers Trust Company further represents that sufficient changes have been made in the Bank's custody and processing business management, procedures and supervision to prevent in the future the conduct which gave rise to the Plea Agreement, supporting the inclusion of Bankers Trust Company as an entity permitted to function as a QPAM.

29. In summary, Bankers Trust Company represents that the proposed exemption satisfies the criteria of section 408(a) of the Act for the following reasons: (A) Bankers Trust Company has undertaken substantial reforms and adopted procedures designed to prevent any recurrence of the criminal activity and escheatment of ERISA funds.; (B) an independent audit requirement will further protect plans and help assure plan participants that the conduct that was the subject of the Plea Agreement will not recur; (C) instances of noncompliance discovered during the audit will be reported by Bankers Trust Corporation to the Department within ten days of determination by the independent auditor; (D) the investment management units that oversee the transactions covered by QPAM were not the subject of the Plea Agreement; and (E) the other conditions of PTE 84–14, combined with the procedures adopted by Bankers Trust Company, afford ample protection of the interests of participants and beneficiaries of employee benefit plans.

Section 411 Proceeding

The Department notes that, as a result of Bankers Trust Company's conviction for violating 18 U.S.C. § 1005, the Pension and Welfare Benefits Administration's (PWBA) Office of Enforcement has undertaken an inquiry to determine whether, pursuant to ERISA § 411(a), 29 U.S.C. § 1111(a), a judicial proceeding should be instituted to bar Bankers Trust Company from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or from acting as a consultant to any employee benefit plan. Information obtained in this inquiry will not be used by the Department in its consideration of Bankers Trust Company's exemption request unless the Director of the Office of Enforcement submits such information, or any portion thereof, in writing, to PWBA's Office of Exemption Determinations for inclusion in the public record. Neither the Department's consideration of Bankers Trust Company's exemption request nor any final decision on such request shall foreclose completion of the Department's ERISA § 411 inquiry nor preclude any proceeding which may result therefrom seeking to bar Bankers Trust Company from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or from acting as a consultant to any employee benefit plan.

Notice to Interested Persons

With respect to notification of interested persons, the applicant will distribute this notice of proposed exemption by first class mail to an independent plan fiduciary for all ERISA pension plans for which Bankers Trust Company and its subsidiaries provide fiduciary services, including trustee services and/or the provision of investment advice and the owner of all IRA accounts to which Bankers Trust Company and its subsidiaries provide investment advisory services. The applicant will distribute the notice to all participants in its own ERISA pension plans, either by return receipt electronic mail or by first class mail. All notification will be mailed or electronically mailed within three business days after publication of the proposed exemption in the **Federal Register**. The applicant will also use its best efforts to notify an independent fiduciary for each former ERISA pension plan client of Bankers Trust Company

[5] In the Department's view, whether an auditor is independent for purposes of the proposed exemption would depend on the particular facts and circumstances of each case. However, the Department would not view an auditor as independent under circumstances where the auditor has a financial interest, including an ownership interest, in Bankers Trust Company or Deutsche Bank, or any affiliates thereof, or otherwise receives more than a de minimis amount of its compensation from any of those persons.

[6] Bankers Trust Company represents that because its future affiliates will have had no affiliation with Bankers Trust Company during the period that the conduct that was the subject of the Plea Agreement took place, the audit will focus solely on the operations that are currently part of the custody operations of Bankers Trust Company. Similarly, Alex. Brown Incorporated was not affiliated with Banker's Trust Corporation when the conduct identified in the Plea Agreement occurred and thus will not be subject to the annual audit examination.

and its subsidiaries that has received or may receive additional funds stemming from either the CPS inquiry or the Bank's additional efforts to find participants with uncashed benefit checks.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Padams LaVigne or James S. Frazier of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 2nd day of June, 1999.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 99–14369 Filed 6–4–99; 8:45 am]

BILLING CODE 4510–29–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on June 12, 1999. The meeting will begin at 1:00 p.m. and continue until conclusion of the Board's agenda.

LOCATION: The Westin Hotel, 1672 Lawrence Street, Denver, CO 80202–2010.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Public Speakers:
   a. Hon. Gregory J. Hobbes, Associate Justice, Supreme Court of Colorado
   b. Bennett S. Aisenberg, President of The Colorado Bar Association
3. Approval of minutes of the Board's meeting of February 22, 1999.
4. Approval of minutes of the executive session of the Board's meeting of February 22, 1999.
5. Approval of minutes of the Board's meeting of April 17, 1999.
6. Approval of minutes of the executive session of the Board's meeting of April 17, 1999.
7. Chairman's Report.
8. Members' Report.
9. President's Report
10. Inspector General's Report.
11. Consider and act on the Board's meeting schedule, including designation of locations, for year 2000.
12. Consider and act on the report of the Board's Operations and Regulations Committee.
    - Consider and act on the Committee's recommendation regarding proposed final rule, 45 CFR Part 1641, Debarment, Suspension and Removal of Recipient Auditors.
    - Consider and act on the Committee's recommendation regarding final rule, 45 CFR Part 1628, Recipient Fund Balances.
    - Consider and act on the Committee's recommendation regarding proposed amendment(s) to the Corporation's 403(b) Thrift Plan that are intended to increase the Corporation's employer contribution level to match the Civil Service Retirement System.
13. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
14. Report on the status of the work of the special panel established to study and report to the board on issues relating to LSC grantees' representation of legal alien workers and the requirement that they be ''present in the United States.''
15. Appointment of Acting Vice President of Programs.
16. Consider and act on proposed resolution adopting new corporate logo for LSC's 25th Anniversary.

Closed Session

16. Briefing[1] by the Inspector General on the activities of the OIG.
17. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session

18. Consider and act on other business.
19. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8810.

---

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 C.F.R. § 1622.2 & 1622.3.

Dated: June 2, 1999.

Victor M. Fortuno,

General Counsel.

[FR Doc. 99–14435 Filed 6–2–99; 5:07 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Finance Committee

TIME AND DATE: The Finance Committee of the Legal Services Corporation Board of Directors will meet on June 11, 1999. The meeting will begin at 8:45 a.m. and continue until the Committee concludes its agenda.

LOCATION: The Westin Hotel, 1672 Lawrence Street, Denver, CO 80202–2010.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of February 20, 1999.
3. Review projection of expenses for the remainder of FY '99, including internal budgetary adjustments, and act on the President's and Inspector General's recommendations for consolidated operating budget re-allocations.
4. Testimony regarding budgetary needs for FY 2001.
5. Consider and act on other business.
6. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8810.

Dated: June 2, 1999.

Victor M. Fortuno,

General Counsel.

[FR Doc. 99–14436 Filed 6–2–99; 5:07 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Operations and Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on June 11, 1999. The meeting will begin at 10:00 a.m. and continue until the Committee concludes its agenda.

LOCATION: The Westin Hotel, 1672 Lawrence Street, Denver, CO 80202–2010.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of February 21, 1999.
3. Approval of minutes of the Committee's meeting of April 16, 1999.
4. Consider public comment and consider and act on final rule, 45 CFR Part 1641, Debarment, Suspension and Removal of Recipient Auditors.
5. Consider public comment and consider and act on final rule, 45 CFR Part 1628, Recipient Fund Balances.
6. Consider and act on proposed amendment(s) to the Corporation's 403(b) Thrift Plan that are intended to increase the Corporation's employer contribution level to match the Civil Service Retirement System.
7. Consider and act on other business.
8. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8810.

Dated: June 2, 1999.

Victor M. Fortuno,

General Counsel.

[FR Doc. 99–14437 Filed 6–2–99; 5:07 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services

TIME AND DATE: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation Board of Directors will meet on June 12, 1999. The meeting will begin at 9:15 a.m. and continue until the Committee concludes its agenda.

LOCATION: The Westin Hotel, 1672 Lawrence Street, Denver, CO 80202–2010.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of February 21, 1999.
3. Approval of minutes of the Committee's meeting of April 16, 1999.
4. Field presentation on developments in LSC-funded legal services in Colorado.
5. Staff report on state planning and competition.
6. Consider and act on other business.
7. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8810.

Dated: June 2, 1999.

Victor M. Fortuno,

General Counsel.

[FR Doc. 99–14438 Filed 6–2–99; 5:07 pm]

BILLING CODE 7050–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, DC 20416. Phone Number: 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: ''BIC Customer Satisfaction Survey.''

Form No: 1916.

Description of Respondents: New, established and prospective Small Business Owners using the services and programs offered by the Business Information Center Program.

Annual Responses: 22,500.

Annual Burden: 105.

Comments: Send all comments regarding this information collection to

Janet Moorman, Business Development Specialist, Office of Business Initiatives, Small Business Administration, 409 3rd Street S.W., Suite 6100, Washington, D.C. 20416. Phone No: 202–205–7419.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: June 2, 1999.

Vanessa Piccioni,

Acting Chief, Administrative Information Branch.

[FR Doc. 99–14299 Filed 6–4–99; 8:45 am]

BILLING CODE 8025–01–P

U.S. SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3185]

State of Colorado; (Amendment #1)

In accordance with information received from the Federal Emergency Management Agency dated May 19 and 26, 1999, the above-numbered Declaration is hereby amended to include Pueblo County, Colorado as a disaster area as a result of damages caused by severe storms and flooding. This Declaration is further amended to establish the incident period for this disaster as beginning on April 29 and continuing through May 19, 1999.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Custer and Huerfano in the State of Colorado may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 15, 1999, and for economic injury the deadline is February 17, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 28, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–14298 Filed 6–4–99; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter S4 covers the Deputy Commissioner for Systems. Notice is given that Subchapter S4K, the Office of Information Management (OIM), is being amended to reflect a realignment of functions. Functions are being moved from existing OIM Divisions to create two new Divisions in OIM. The revised chapter reads as follows:

Section S4K.10 *The Office of Information Management—*

(Organization):

Establish:

H. The Division of Planning, Requirements and Validation (S4KJ).

I. The Division of Appeals and Disability Systems (S4KK).

Section S4K.20 *The Office of Information Management—*

(Functions):

D. Division of Information Resource Management (S4KB).

Delete:

8. In its entirety

Renumber:

''9'' to ''8''

Delete:

10. In its entirety.

E. Division of Administrative Systems Development (S4KE).

Delete:

1. In its entirety.

Renumber:

''2'' to ''1''

Establish:

H. Division of Planning, Requirements and Validation (S4KJ).

1. Manages the planning, validation and implementation of the broad range of systems, methods and procedures necessary to support the administrative and programmatic MI systems processes.

2. Performs user needs analyses and develops detailed functional requirements for SSA's mainframe and client server programmatic and administrative systems.

3. Designs, develops and maintains automated validation test methods for SSA's mainframe and client server programmatic and administrative systems and certifies validated products for release into the production environment.

4. Manages OIM's project management process; provides standards, procedures, training and technical assistance to project managers.

I. Division of Appeals and Disability Systems (S4KK).

1. Provides automated solutions to support SSA's appeals processes and for management information (MI) systems supporting the Agency's Disability Insurance program. Designs, develops and deploys systems that improve the collection, processing and distribution of disability MI.

2. Develops and maintains SSA-wide systems that provide for processing, monitoring and reporting on the Agency's various appeals workloads.

Dated: May 25, 1999.

Paul D. Barnes,

Deputy Commissioner for Human Resources.

[FR Doc. 99–14234 Filed 6–4–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–99–030]

Lower Mississippi River Waterway Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for application.

SUMMARY: The U.S. Coast Guard seeks applications for membership on the Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC). LMRWSAC provides advice and makes recommendations to the Coast Guard on matters relating to transit of vessels and products to and from the ports on the Lower Mississippi River .

DATES: Applications must reach the Coast Guard on or before July 31, 1999.

ADDRESSES: You may request an application form by writing to Mr. M. M. Ledet, Committee Administrator, c/o Commander, Eighth Coast Guard District (m), 501 Magazine Street, New Orleans, LA 70130–3396; by calling (504) 589–4686; or by faxing (504) 589–4999. Submit application forms to the same.

FOR FURTHER INFORMATION CONTACT: Contact Mr. M. M. Ledet, Committee Administrator, telephone (504) 589–4686, Fax (504) 589–4999.

SUPPLEMENTARY INFORMATION: LMRWSAC is a Federal advisory committee constituted under 5 U.S.C. App. 2. This committee provides local expertise on communications, surveillance, traffic control, anchorages, aids to navigation, and other related topics dealing with navigational safety

on the Lower Mississippi River. The committee normally meets twice a year at the Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana. Members serve voluntarily, without compensation from the Federal Government for salary, travel, or per diem. Term of the membership will be for two years. The committee consists of 24 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and navigate vessels on the Lower Mississippi River and its connecting navigable waterways, including the Gulf of Mexico. Vacancies to be filled are for:

(1) Five members representing River Port Authorities between Baton Rouge, Louisiana, and the Head of Passes of the Lower Mississippi River, of which one member shall be from the Port of St. Bernard and one member from the Port of Plaquemines.

(2) Two members representing vessel owners or ship owners domiciled in the State of Louisiana.

(3) Two members representing organizations that operate harbor tugs or barge fleets in the geographical area covered by the committee.

(4) Two members representing companies that transport cargo or passengers on the navigable waterways in the geographical area covered by the committee.

(5) Three members representing State Commissioned Pilot organizations, with one member each representing the New Orleans/Baton Rouge Steamship Pilots Association, the Crescent River Port Pilots Association, and the Associated Branch Pilots Association.

(6) Two at-large members who utilize water transportation facilities located in the geographical area of the committee.

(7) Three members representing consumers, shippers, or importer/exporters that utilize vessels that utilize the navigable waterways covered by the committee.

(8) Two members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on vessels that utilize the navigable waterways covered by the committee.

(9) One member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

(10) One member representing an environmental organization.

(11) One member representing the general public.

In support of the policy of the Department of Transportation on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

Applicants selected may be required to complete a Confidential Financial Disclosure Report (OGE Form 450). Neither the report or the information it contains may be released to the public, except under order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: May 24, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard Commander, 8th Coast Guard Dist. Acting.

[FR Doc. 99–14287 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 120–XX]

Proposed Advisory Circular on Initial Air Carrier Operational Approval for Use of Digital Communication Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on proposed Advisory Circular (AC) for Initial Air Carrier Operational Approval for Use of Digital Communication Systems.

SUMMARY: The proposed AC is intended to provide an acceptable means, but not the only means, for operational approval to use digital communications systems, including data link and voice communication (e.g., via satellite), for air traffic service and related capabilities for operators conducting operations under Title 14 of the Code of Federal Regulations (14 CFR), parts 121, 125, 129, and 135.

DATES: Comments must be received on or before August 6, 1999.

ADDRESSES: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, Flight Technologies and Procedures Division (Attention AFS–410), 800 Independence Avenue, SW., Washington, DC 20591. This draft AC may also be accessed on the Internet at www.faa.gov/AVR/afs/afs410/afs410.htm.

FOR FURTHER INFORMATION CONTACT: Don Streeter, AFS–410, at the above address, telephone (202) 267–9093 (8 a.m. to 5 p.m. EST).

Issued in Washington, DC on June 1, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 99–14332 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–16]

Petitions For Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 18, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on June 2, 1999.

Gary A. Michel,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29396.

Petitioner: Department of the Air Force.

Sections of the FAR Affected: 14 CFR 91.209.

Description of Relief Sought: To permit the USAF to conduct certain night flight military training operations without lighted external aircraft position and anticollision lights.

Docket No.: 29540.

Petitioner: Mesaba Airlines.

Section of the FAR Affected: 14 CFR 121.344(b)(3).

Description of Relief Sought: To permit Mesaba Airlines to operate five Saab SF 340A Model aircraft without installing the required, approved digital flight data recorder until the next heavy maintenance check conducted after October 31, 1999.

Dispositions of Petitions

Docket No.: 26326.

Petitioner: T.B.M., Inc. and Butler Aircraft Co.

Sections of the FAR Affected: 14 CFR 91.611.

Description of Relief Sought/ Disposition: To permit TBM and Butler to conduct ferry flights in their Lockheed C–130A aircraft with one engine inoperative without obtaining a special flight permit for each flight. *Grant, 5/19/99, Exemption No. 6667A.*

Docket No.: 29466.

Petitioner: Bombardier Aerospace.

Sections of the FAR Affected: 14 CFR 25.1435(b)(1).

Description of Relief Sought/ Disposition: To permit Bombardier to conduct a range of motion test at 3750 psig (the system relief pressure) for the hydraulic system on the Bombardier Regional Jet Series 700, Model CL–600–2C10 airplane. *Grant, 5/7/99, Exemption No. 6893.*

Docket No.: 29517.

Petitioner: United Parcel Service Co.

Sections of the FAR Affected: 14 CFR 121.343(e).

Description of Relief Sought/ Disposition: To allow UPS to operate its Boeing B767–300F aircraft with an approved flight data recorder without the digital data bus complying with the flight recorder altitude parameters of appendix B to part 121 until the affected aircraft are in compliance with the digital flight data recorder requirments of § 121.344. *Grant, 5/12/99, Exemption No. 6894.*

[FR Doc. 99–14329 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–15]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 18, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on June 2, 1999.

Gary A. Michel,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29515.

Petitioner: Peninsula Airways, Inc. (PenAir)

Section of the FAR Affected: 14 CFR 91.323(b)(4).

Description of Relief Sought: To permit PenAir to operate its Grumman Goose G–21A amphibian aircraft at a weight that is in excess of the airplane's maximum certified weight.

[FR Doc. 99–14330 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–14]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Purusant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 18, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on June 2, 1999.

Gary A. Michel,

Acting Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29515.

Petitioner: Peninsula Airways, Inc. (PenAir)

Section of the FAR Affected: 14 CFR 91.323(b)(4).

Description of Relief Sought: To permit PenAir to operate its Grumman Goose G–21A amphibian aircraft at a weight that is in excess of the airplane's maximum certified weight.

[FR Doc. 99–14331 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 193/Eurocae Working Group 44; Terrain and Airport Databases

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 193/EUROCAE Working Group 44 meeting to be held June 28–July 2, 1999, starting at 9:00 a.m. The meeting will be held at National Soaring Museum, 51 Soaring Hill Drive, Elmira, NY (Harris Hill, Expressway 17, Exit 51).

The agenda will be as follows: Monday, June 28, Opening Plenary Session: (1) Chairman's Introductory Remarks; (2) Review/Approval of Meeting Agenda; (3) Review of Summary of the Previous Meeting. (4) Subgroup 2, Terrain and Obstacle Databases: (a) Review of Summary of the Previous Meeting; (b) Review of Actions Taken during the Previous Meeting; (c) Presentations; (d) Review of the Draft Document. Tuesday, June 29: (5) Subgroup 2, continuation of previous day's discussions. Wednesday, June 30: (6) Subgroup 3, Airport Databases: (a) Review of Summary of the Previous Meeting; (b) Review of Actions Taken During the Previous Meeting; (c) Presentations; (d) Review of the Draft Document. Thursday, July 1: (7) Subgroup 3, continuation of previous day's discussions. Friday, July 2: Closing Plenary Session; (8) Summary of Subgroups 2 and 3 Meetings; (9) Assign Tasks; (10) Other Business; (11) Dates and Locations of Next Meetings; (12) Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Washington, DC, 20036; (202) 833–9339 (phone), (202) 833–9434 (fax), or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 1, 1999.

Jane P. Caldwell,

Designated Official.

[FR Doc. 99–14333 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 189/ EUROCAE Working Group 53; Air Traffic Services Safety and Interoperability Requirements

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a joint Special Committee (SC)–189/EUROCAE Working Group (WG)–53 meeting to be held June 21–25, 1999, starting at 9:00 a.m. on June 21. The meeting will be held at National Convention Centre, 31 Constitution Avenue, Canberra ACT 2601.

The agenda will be as follows: Monday, June 21: Opening Plenary Session Convenes at 9:00 a.m.: (1) Introductory Remarks; (2) Review and Approval of the Agenda (Monday); (3) Review and Approval of Summary of the Previous Meeting; (4) Sub-Group and Related Reports; (5) Position Papers Planned for Plenary Agreement; (6) SC–189/WG–53 Co-chair Progress Report. Tuesday, June 22–Thursday, June 24: (7) Sub-group Meetings. Friday, June 25: Closing Plenary Session: (8) Introductory Remarks; (9) Review and Approval of Agenda (Friday); (10) Review of Preliminary Meeting Minutes; (11) Sub-group and Related Reports; (12) Position Papers Planned for Plenary Agreement (13) SC–189/WG–53 Co-chair Progress Report and Wrap-up.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036, by phone at (202) 833–9339, by fax at (202) 833–9434, or by e-mail at hmoses@rtca.org. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 1, 1999.

Jane P. Caldwell,

Designated Official.

[FR Doc. 99–14334 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Pierce County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Additional Studies.

SUMMARY: The FHWA, Washington State Department of Transportation (WSDOT), and Pierce County are issuing this notice to advise the public that additional studies have been completed related to the Draft Environmental Impact Statement (DEIS) (FHWA–WA–EIS–98–3D) prepared for a proposed new roadway project in Pierce County, Washington between Interstate 5 and State Route 7 (Pacific Avenue).

FOR FURTHER INFORMATION CONTACT: Jim Leonard, PE, Transportation/ Environmental Engineer FHWA, Olympia, Washington 98501. Phone Number (360) 753–9408.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with WSDOT and Pierce County, issued a DEIS in May 1998 on a proposal to build a new roadway between Interstate 5 at the Thome Lane interchange and State Route 7 (Pacific Avenue) at 176th Street South. The proposed roadway corridor passes through a residential area in the City of Lakewood known as American Lake Gardens and portions of the Fort

Lewis Military Reservation and McChord Air Force Base. The DEIS includes a Major Investment Study (NUS) that examines the overall need for the project and alternative means of reducing or meeting the demand for additional transportation capacity and a Draft 4(f) Evaluation.

The new roadway would compound existing barriers to wildlife movement for many species and would isolate the habitat north of the roadway. This habitat has been used by the western gray squirrel, which is listed as threatened by the Washington Department of Fish and Wildlife. The DEIS evaluated impacts to western gray squirrel and Garry oak (also known as Oregon white oak) woodland habitat from the proposed roadway based on available information and field reconnaissance. Oak woodlands are important because this type of habitat has been greatly reduced in western Washington and because it is important habitat for the western gray squirrel. The DEIS committed to a genetic analysis of western gray squirrels and a detailed mapping and evaluation of oak woodlands as part of the EIS process. Both additional studies are now available for public review as part of the environmental documentation of the proposed roadway. These additional studies do not change the purpose and need for the project, the range of alternatives considered, the overall impacts or the range of potential mitigation measures described in the DEIS.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: June 1, 1999.

James A. Leonard,

Transportation and Environmental Engineer.

[FR Doc. 99–14284 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–01–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on the Northstar Corridor Project Located Between Minneapolis and the St. Cloud Area, Minnesota

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration is issuing this notice to advise interested agencies and the public that a Draft Environmental Impact Statement (DEIS) is being prepared for transit elements of the Northstar Corridor project located in the Trunk Highway 10/47 (TH 10/47) corridor between Minneapolis and the St. Cloud area, Minnesota.

DATES: Interagency and public scoping and information meetings will be held on Thursday, July 29, 1999 from 1:00 p.m. to 3:00 p.m., and from 4:00 p.m. to 7:00 p.m. on July 27, 28 and 29, respectively.

Interagency Scoping Meeting

Thursday, July 29, 1999 from 1:00 p.m. to 3:00 p.m., Fridley City Hall, 6431 University Avenue Northeast, Fridley, MN 55432

Public Scoping Meetings

Tuesday, July 27, 1999 from 4:00 p.m. to 7:00 p.m., Whitney Senior Community Center, 1527 Northway Drive, St. Cloud, MN 56303

Wednesday, July 28, 1999, from 4:00 p.m. to 7:00 p.m, Sherburne County Courthouse, 13880 Highway 10, Elk River, MN 55330

Thursday, July 29, 1999 from 4:00 p.m. to 7:00 p.m., Fridley City Hall, 6431 University Avenue Northeast, Fridley, MN 55432

ADDRESSES: Written comments on the scope of analysis and impacts to be considered should be sent by August 20, 1999 to: Mr. Tim Yantos, Project Director, Northstar Corridor Development Authority, 2100 Third Avenue, Anoka, MN 55303

FOR FURTHER INFORMATION CONTACT: Mr. Joel P. Ettinger, FTA Region 5, 200 West Adams Street, Suite 2410, Chicago, IL 60606, Telephone: (312) 353–2789.

SUPPLEMENTARY INFORMATION: The Federal Transit Administration (FTA) (the federal lead agency) in cooperation with the Northstar Corridor Development Authority (NCDA), a joint powers board (local lead agency), will prepare an Environmental Impact Statement (EIS) for the Northstar Corridor project.

I. Scoping

The FTA and the NCDA invite interested individuals, organizations and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS; in identifying social, economic or environmental impacts to be evaluated; and suggesting alternatives that are less costly or have fewer environmental impacts while achieving similar transportation objectives. An information packet, referred to as the Scoping Booklet, will be circulated to all federal, state or local agencies having jurisdiction in the project, and all interested parties currently on the NCDA mailing list.

Others may request this Scoping Booklet by contacting:

Stephanie Eiler, Anoka County, 1440 Bunker Lake Boulevard, Andover, MN 55304, Phone: 612/862–4230, Fax: 612/862–4201, E-Mail: sceiler@pubserv.co.anoka.mn.us

Four public scoping meetings will be held in the study area. An interagency scoping meeting will be held on July 29, 1999 from 1:00 p.m. to 3:00 p.m. at the Fridley City Hall, and three public scoping meetings will be held on July 27, 28 and 29, 1999 from 4:00 to 7:00 p.m. at the Whitney Senior Community Center, the Sherburne County Courthouse and the Fridley City Hall, respectively. People with special needs should call Stephanie Eiler at 612–862–4230. The buildings are accessible to people with disabilities.

Scoping comments may be made at the Public Scoping Meetings or in writing by August 20, 1999. Comments or questions should be directed to Mr. Tim Yantos at the address provided above.

II. Description of the Study Area and Transportation Needs

The Northstar Corridor study area can be described as a long, narrow 70-mile transportation corridor that extends from downtown Minneapolis to the St. Cloud area along TH 10/47 and the Burlington Northern Santa Fe (BNSF) railroad. The study area is bordered by the Mississippi River on the west and extends approximately 3 to 5 miles to the east of TH 10/47. The proposed Corridor would connect to the Hiawatha Light Rail Transit (LRT) in downtown Minneapolis. The Hiawatha LRT line would continue to the Minneapolis/St. Paul Airport and the Mall of America.

The NCDA initiated a Major Investment Study (MIS) in May of 1998, pursuant to federal regulations, and conducted a feasibility study of commuter rail in the Corridor. Phase I of this process focused on identifying the purpose and need for transportation improvements in the Corridor, identifying and screening the alternative transportation solutions, and evaluating the feasibility of commuter rail service in the Corridor.

During Phase I of the Study, the issues identified in the Northstar Corridor that relate to transportation include: a lack of coordination between transportation investments and land use development; a high accident rate along the TH 10/47 corridor; decreasing mobility on TH 10/

47; a lack of corridor-wide transit service; and the lack of alternative transportation modes.

A public involvement program was conducted during Phase I of the project to receive input from the public and stakeholders in the Corridor. Public outreach presentations were given to over 30 community groups. Communications to the public were via a newsletter and a monthly Project Update to the NCDA distribution list of approximately 1000 names/addresses, a Web Site, and a series of three public information open houses.

III. Alternatives

Phase I of the MIS process defined and evaluated eight transit technologies for the Northstar Corridor: bus, commuter rail, light rail transit (LRT), diesel multiple unit (DMU), heavy rail, monorail, automated guideway transit (AGT), and personal rapid transit (PRT). Each of these transit technologies was reviewed based on the following evaluation parameters: capital cost, proven technology, operating environment, ability to accommodate at-grade station access, optimal station spacing distance, environmental impacts, and other considerations such as ridership potential and implementation. Based on this transit technology screening analysis, the following transit technologies have been recommended for further analysis: Bus, LRT and Commuter Rail. The scoping process will review the full range of modal technologies considered and the evaluation process followed.

The alternatives proposed for consideration in the Northstar Corridor DEIS include:

1. *No-Build Alternative*—No change to transportation services or facilities in the Corridor beyond already committed projects. This includes only those roadway and transit improvements defined in the appropriate agencies' Long Range Transportation Plans and Transit Development Plans for which funding has been committed.

2. *Transportation Systems Management Alternative*—Low cost infrastructure and bus transit improvements, Intelligent Transportation Systems (ITS), Travel Demand Management, bus operations, and Transportation Systems Management improvements will be included in this alternative.

3. *Commuter Rail Alternative*—A commuter rail line on the existing BNSF rail line to include all facilities associated with the construction and operations of the commuter rail line, including right-of-way, structures, track, stations, park-and-ride lots, storage and maintenance facilities as well as the respective rail and bus operating plans will be elements of the alternative. The extension of the Hiawatha Corridor LRT service to the commuter rail line will be included in this alternative. The Commuter Rail Alternative will also incorporate the elements of the No-Build Alternative and will include feeder bus improvements to provide access from local and regional land uses to the commuter rail connection.

IV. Probable Effects/Potential Impacts for Analysis

The FTA and the NCDA will evaluate significant environmental, social and economic impacts of the alternatives analyzed in the EIS. Primary environmental issues include: land use, historic and archeological resources, traffic and parking, noise and vibration, neighborhoods and environmental justice, floodplain encroachment, coordination with ongoing related transportation and economic development projects, and construction impacts. Other issues the EIS will address include natural areas, rare and endangered species, air and water quality, groundwater, energy, potentially contaminated sites, displacements and relocations, ecosystems, water resources, hazardous waste, parklands, and energy impacts. The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. In addition, cumulative effects of the proposed project and any irreversible or irretrievable commitment of resources will be identified. Measures to avoid or mitigate any significant adverse impacts will be developed.

V. Procedures

In accordance with the regulations and guidance established by the Council on Environmental Quality (CEQ), as well as 23 CFR 450 and 23 CFR 771 of the FHWA/FTA planning and environmental regulations and policies, the DEIS will include an evaluation of the social, economic and environmental impact of the alternatives. The EIS will also comply with the requirements of the Clean Air Act Amendments of 1990 (CAAA) and with the Executive Order 12898 on Environmental Justice. The EIS will also meet the requirements of the US Environmental Protection Agency's transportation conformity regulations (40 CFR 93 and 23 CFR 450.322(b)(8)). After its publication, the DEIS will be available for public and agency review and comment. Public hearings will be held on the DEIS.

The Final Environmental Impact Statement (FEIS) will consider the public and agency comments received during the public and agency circulation of the DEIS and the NCDA will select the preferred alternative. Then the NCDA, with FTA as federal lead agency, will continue with the preparation of the FEIS. Opportunity for additional public comment will be provided throughout all phases of project development.

Issued on: June 1, 1999.

Donald Gismondi,

Deputy Regional Administrator.

[FR Doc. 99–14325 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–99–5761]

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's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Jeffrey McMahon, Office of Sealift Support, MAR–630, Maritime Administration, 400 Seventh St., S.W., Room 7307, Washington, D.C. 20590. Telephone: 202–366–2323, or FAX 202–366–3889.

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Application and Reporting Elements for Participation in the Maritime Security Program.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0525.

Form Numbers: None.

Expiration Date of Approval: February 28, 2000.

Summary of Collection of Information: The Maritime Security Act of 1996 established the Maritime Security Program which supports the operations of U.S.-flag vessels in the foreign commerce of the United States through assistance payments. Participating vessel operators receive assistance payments and are required to make their ships and other commercial transportation resources available to the Government during times of war or

national emergency. The vessel operators who are interested in participating in the Maritime Security Fleet are required to submit an application to MARAD for its review and approval.

Need and Use of the Information: The collected information is necessary for MARAD to determine if selected vessels are qualified to participate in the Maritime Security Program.

Description of Respondents: Operators of U.S.-flag vessels who are interested in participating in the Maritime Security Fleet.

Annual Responses: Approximately 10–15.

Annual Burden: Approximately four to six hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be 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 and filings in this docket are available on the World Wide Web at http://dms.dot.gov.

By Order of the Maritime Administrator.

Dated: June 2, 1999.

Joel C. Richard,

Secretary.

[FR Doc. 99–14328 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33753]

South Plains Switching, Ltd. Co.—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

South Plains Switching, Ltd. Co. (South Plains), a Class III rail common carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire approximately 67,784 feet of rail lines from The Burlington Northern and Santa Fe Railway Company (BNSF)[1] in Lubbock, TX, as follows: (1) former ATSF side tracks 0310–0313, 032, 0330–0332, 0340–0341, 0370, 0372–0373, 0380–0382, 0385, 0387, and 0390; and (2) former BN side tracks 9201–9204, 9208, 9220, 9298, 9310, 9320, 9322, 9330, Orchard Lead, 9304, 9311–9312, 9321, 9323–9326, 9331, 9333, 9401–9406, 9409–9412, 9415, and 9420–9424. In conjunction with the acquisition of these rail lines, South Plains will acquire approximately 18 miles of incidental trackage rights over BNSF's tracks 0340, 9200, 9205 and 9208 and BNSF's mainline between track 9298 and BNSF's Lower Yard at Lubbock.

The transaction is expected to be consummated on or shortly after June 4, 1999.

If the notice 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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33753, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on William R. Power, Esq., 260 Cordovan Park, 5840 West Interstate Twenty, Arlington, TX 76017.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

[1] On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company (ATSF) merged with and into Burlington Northern Railroad Company (BN). The name of the surviving corporation of the merger is The Burlington Northern and Santa Fe Railway Company.

Decided: May 28, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–14324 Filed 6–4–99; 8:45 am]

BILLING CODE 4915–00–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determinations: ''Discovering the Secrets of Soft Paste Porcelain in the Saint Cloud Manufactory, 1690–1766''

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit ''Discovering the Secrets of Soft Paste Porcelain in the Saint Cloud Manufactory, 1690–1766,'' imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Bard Graduate Center, New York, NY, from on or about July 14, 1999, to on or about October 24, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For a copy of the list of exhibit objects or for further information, contact Carol Epstein, Assistant General Counsel, Office of the General Counsel, United States Information Agency, at 202/619–6981, or USIA, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: June 2, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–14294 Filed 6–4–99; 8:45 am]

BILLING CODE 8230–01–M

federal register

Monday
June 7, 1999

Part II

Office of Personnel Management

Laboratory Personnel Management Demonstration Projects; Army Department; U.S. Army Medical Research and Materiel Command, Fort Detrick, Frederick, MD; Notice

OFFICE OF PERSONNEL MANAGEMENT

Laboratory Personnel Management Demonstration Project; Department of the Army, U.S. Army Medical Research and Materiel Command (MRMC), Fort Detrick, Frederick, Maryland

AGENCY: Office of Personnel Management.

ACTION: Notice to make a change to the MRMC **Federal Register** notice, Part III, Vol. 63, No. 41, published on March 3, 1998, specifically page 10454, Section V, Conversion, paragraph e, the prorated buyout of the within-grade increase.

SUMMARY: 5 U.S.C. 4703 authorizes the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal personnel management.

The National Defense Authorization Act for Fiscal Year 1995, Pub. L. 103–337, 108 STAT. 2663, authorizes the Department of Defense (DoD), with the approval of OPM, to carry out personnel demonstration projects at DoD Science and Technology (S&T) Reinvention Laboratories. This notice makes a change to the MRMC Personnel Management Demonstration Project pursuant to 5 C.F.R. 470.315.

DATES: This notice may be implemented beginning on the date of publication.

FOR FURTHER INFORMATION CONTACT: MRMC: Carol Dick, U. S. Army Medical Research and Materiel Command, Attn: MCHD–CP 810 Schreider Street, Suite 120, Fort Detrick, Maryland 21702–5000, phone 301–619–2247.

OPM: Gail W. Redd, U. S. Office of Personnel Management, 1900 E Street NW, Room 7458, Washington, DC 20415, phone 202–606–1521.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approves S&T Laboratory Personnel Management Demonstration Projects and published the MRMC final plan in the **Federal Register** on Tuesday, March 3, 1998, Vol. 63, No. 41. The MRMC demonstration project involves simplified job classification, paybanding, a performance-based compensation system, employee development provisions, and modified reduction-in-force procedures.

2. Overview

The MRMC published its final project plan on March 3, 1998. The final plan incorporated changes made as a result of specific comments received during the public comment period and hearings. Those comments also brought new and different perspectives to the attention of those responsible for implementing, overseeing, and evaluating the project.

One comment referred to the negative impact that the receipt of a lump sum payment instead of an increase to basic rates of pay has on an employee. The lump sum payment for the prorated within-grade increase buyout is described in the conversion procedures in the project plan. Upon closer examination, it was decided that adding the buyout amounts to base pay instead of paying it in a lump sum is more beneficial to employees and will contribute to their ''high three'' years for retirement purposes. A change in the manner of payment from lump sum to base pay increase, therefore, is appropriate.

Office of Personnel Management.

Janice R. Lachance,

Director.

I. Executive Summary

This project was designed by the Department of the Army with participation of and review by the Department of Defense (DoD) and the Office of Personnel Management (OPM). The purpose of the project is to achieve the best workforce for the Army MRMC mission, adjust the workforce for change, and improve workforce quality.

The foundations of the project are based on the concepts of linking performance to pay for all covered positions; simplifying paperwork and the processing of classification and other personnel actions; emphasizing partnerships among management, employees, and unions representing covered employees; and delegating classification and other authorities to line managers.

II. Introduction

A. Purpose

The purpose of this notice is to amend the way the within-grade increase buyouts will be paid to employees. Changes are hereby made to the **Federal Register**, Part III, Laboratory Personnel Management Demonstration Project, Department of the Army, U. S. Army Medical Research and Materiel Command, Fort Detrick, Frederick, Maryland; Notice, Vol. 63, No. 41, Tuesday, March 3, 1998; page 10454, Section V, Conversion, replace paragraph e in its entirety as follows:

e. Under the current pay structure, employees progress through their assigned grade in step increments. Since this system is being replaced under the demonstration project, employees will be awarded that portion of the next higher step based upon the portion of the waiting period they have completed prior to the date of implementation. The prorated payment will be added to base pay and paid on the first day of the first pay period on or after the 1-year anniversary of the date of implementation of the demonstration project. The payment will be an increase to base pay commensurate with the number of full weeks accrued toward the next higher step prior to the conversion effective date. Employees will not be eligible for this base pay increase if their performance is below Fully Successful at the time of conversion. There will be no prorated payment for employees who were at step 10 or receiving a retained rate at the time of conversion into the demonstration project. The prorated payment may be provided only to the extent that it does not cause the employee's base pay to exceed the maximum rate of the employee's band. Rules governing within-grade increases under the current Army performance plan will continue in effect until the implementation date.

Those employees added to MRMC by involuntary actions such as transfer of function, BRAC, etc., after initial implementation, will be awarded that portion of the next higher step based upon the portion of the waiting period they have completed at the time they convert into the demonstration project (but no earlier than one year after the implementation of the project.) Employees at step 10, or receiving retained rates, will not be eligible for an increase to base pay since they are already at or above the top of the step scale. Also, employees will not be eligible for this base pay increase if their performance is below Fully Successful at the time of conversion.

All other provisions of the approved MRMC Personnel Management Demonstration Project will apply. Employee notification will be made by delivery of copies of the amendment to union officials and MRMC employees included in the project, and by posting on the Internet.

[FR Doc. 99–14444 Filed 6–3–99; 10:32 am]

BILLING CODE 6325–01–P

Reader Aids

Federal Register

Vol. 64, No. 108

Monday, June 7, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail to

listproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, JUNE

29207–29536 1
29537–29776 2
29777–29944 3
29945–30212 4
30213–30378 7

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7103 (See Proc. 7202) 29773
7201 29769
7202 29773
Administrative Orders:
Memorandums
May 26, 1999 29539
Presidential Determinations:
No. 99–25 of May 24, 1999 29537

7 CFR

301 .....29207, 29541, 30213
407 30214
930 30229
989 30233
1205 30236
1780 29945
Proposed Rules:
301 30250
916 30252
917 30252
1065 30256

8 CFR

214 .....29208, 30103

9 CFR

91 29947
Proposed Rules:
3 30257
317 29702
318 29602
381 29602

10 CFR

2 .....29212, 29213
Proposed Rules:
2 29246
850 29811

12 CFR

4 29214

13 CFR

Proposed Rules:
121 29813

14 CFR

39 .....29777, 29788, 29781, 29783
71 .....29785, 30241
401 29786
411 29786
413 29786
415 29786
417 29786
Proposed Rules:
23 29247
39 .....29602, 29607, 29814, 29965, 29966, 29969, 29972
71 .....29817, 30259, 30260, 30261

15 CFR

774 30103

17 CFR

5 29217
30 30103
240 29550
Proposed Rules:
240 29608

18 CFR

Proposed Rules:
385 29614

19 CFR

Proposed Rules:
4 29975
159 29975
351 29818

20 CFR

404 29786

21 CFR

172 29949
173 29224
175 29553

23 CFR

180 29742
Proposed Rules:
668 30263

24 CFR

203 29758

26 CFR

1 29788

30 CFR

Ch. II 30267
Proposed Rules:
917 29247
943 29249

32 CFR

171 29227
Proposed Rules:
884 29252

33 CFR

110 29554
117 .....29558, 29559, 29561
162 29554
165 .....29554, 29561, 30242, 30243
169 29229

Proposed Rules:
100 30273
165 30274

34 CFR

Proposed Rules:
99 29532

36 CFR

Proposed Rules:
1228 30276

37 CFR

201 29518
202 ..... 29518, 29522
203 29518
204 29518
211 29518

38 CFR

Ch. I 30244
3 30244

40 CFR

9 29490
52 ..... 29235, 29563, 29567, 29570, 29573, 29790, 29793, 29958
62 ..... 29796, 29961
63 ..... 29420, 29490, 30194
82 29240
180 ..... 29581, 29589
185 29589
186 29589
Proposed Rules:
52 ..... 29255, 29615, 29616, 29821, 29976, 30276
62 ..... 29822, 29976
81 29822
176 29823

42 CFR

Proposed Rules:
5 29831
51c 29831

43 CFR

Proposed Rules:
3100 29256
3110 29256
3120 29256
3130 29256
3140 29256
3150 29256
3160 29256
3170 29256
3180 29256

46 CFR

551 30245

47 CFR

51 29598
76 29598
Proposed Rules:
1 30288
22 30288
24 30288
26 30288
27 30288
73 ..... 29977, 29978, 29979, 29980, 30288, 30289, 30290, 30291, 30292, 30293, 30294, 30295, 30296
74 30288
80 30288
87 30288
90 30288
95 30288
97 30288
101 30288

48 CFR

52 30103
Proposed Rules:
808 29981
812 29981
813 29981
852 29981
853 29981

49 CFR

1 29601
80 29742
261 29742
640 29742
Proposed Rules:
40 29831
192 29834
195 29834
571 ..... 29616, 29617

50 CFR

20 29799
222 29805
223 29805
285 29806
635 ..... 29806, 30248
660 29808
679 29809
Proposed Rules:
17 29983
226 29618
622 29622
635 29984
648 29257
660 29834

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JUNE 7, 1999

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Farm labor housing loans and grants; requests processing; published 5-6-99

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

Farm labor housing loans and grants; requests processing; published 5-6-99

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

Farm labor housing loans and grants; requests processing; published 5-6-99

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

Farm labor housing loans and grants; requests processing; published 5-6-99

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Colorado; published 4-8-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Arizona; published 4-30-99

Iowa et al.; published 4-30-99

FEDERAL MARITIME COMMISSION

Maritime carriers in foreign commerce:

United States/Japan trade; port restrictions and requirements; published 6-7-99

INTERIOR DEPARTMENT

National Park Service

Historic preservation program procedures; State, Tribal, and local governments; published 3-9-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Alexander Schleicher Segelflugzeugbau; published 4-28-99

Avions Pierre Robin; published 4-26-99

Raytheon; published 4-26-99

S.N. CENTRAIR; published 4-26-99

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Light truck fuel economy standards; published 4-7-99

VETERANS AFFAIRS DEPARTMENT

Loan guaranty:

Interest rate reduction refinancing loans requirements

Correction; published 5-26-99

Organization, functions, and authority delegations:

National Cemetery Administration; published 6-7-99

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Milk marketing orders:

Iowa; comments due by 6-14-99; published 5-13-99

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Irradiation of refrigerated or frozen uncooked meat, meat byproducts, etc.; comments due by 6-17-99; published 6-2-99

COMMERCE DEPARTMENT

Export Administration Bureau

Export administration regulations:

Chemical weapons convention; implementation; comments due by 6-17-99; published 5-18-99

Chemical Weapons Convention; implementation

Correction; comments due by 6-17-99; published 6-4-99

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Caribbean, Gulf of Mexico, and South Atlantic fisheries—

Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 6-17-99; published 6-2-99

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico reef fish; comments due by 6-14-99; published 4-14-99

West Coast States and Western Pacific fisheries—

Pacific whiting; comments due by 6-18-99; published 6-3-99

Western Pacific crustacean; comments due by 6-18-99; published 6-3-99

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Manufacturing Technology Program; comments due by 6-15-99; published 4-16-99

EDUCATION DEPARTMENT

Postsecondary education:

Teacher quality enhancement grants program; comments due by 6-18-99; published 5-19-99

ENVIRONMENTAL PROTECTION AGENCY

Air pollution; standards of performance for new stationary sources:

Fossil fuel-fired boilers and turbines; three new test methods for velocity and volumetric flow rate in stacks or ducts; comments due by 6-14-99; published 5-14-99

Correction; comments due by 6-14-99; published 5-20-99

Air programs approval and promulgation; State plans for designated facilities and pollutants:

North Dakota; comments due by 6-14-99; published 5-13-99

Air programs:

Accidental release prevention—

Risk management programs; comments due by 6-16-99; published 5-26-99

Worst-case release scenario analysis for flammable substances; comments due by 6-16-99; published 5-26-99

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

North Dakota; comments due by 6-14-99; published 5-13-99

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 6-14-99; published 5-13-99

Iowa; comments due by 6-14-99; published 5-13-99

Maine; comments due by 6-14-99; published 5-14-99

Minnesota; comments due by 6-14-99; published 5-13-99

Wyoming; comments due by 6-18-99; published 5-19-99

Drinking water:

National primary drinking water regulations—

Unregulated contaminant monitoring regulation for public water systems; comments due by 6-14-99; published 4-30-99

Hazardous waste:

Identification and listing—

Fossil fuel combustion; report to Congress; comments due by 6-14-99; published 4-28-99

Radiation protection programs:

Idaho National Engineering and Environmental Laboratory; waste characterization program; documents availability

Inspection dates; comments due by 6-14-99; published 5-13-99

Los Alamos National Laboratory; transuranic radioactive waste proposed for disposal at Waste Isolation Pilot Plant; documents availability; comments due by 6-16-99; published 5-17-99

Water pollution; effluent guidelines for point source categories:

Waste combustors; comments due by 6-16-99; published 5-17-99

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Wireline services offering advanced telecommunications capability; deployment; comments due by 6-15-99; published 4-30-99

Radio stations; table of assignments:

Utah; comments due by 6-14-99; published 4-30-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:

Adjuvants, production aids, and sanitizers—

Anthra(2,1,9-def:6,5,10-d'e'f')diisoquinoline-1,3,8,10(2H,9H)-tetrone(C.I. Pigment Violet 29); comments due by 6-17-99; published 5-18-99

General enforcement regulations:

Exports; notification and recordkeeping requirements; comments due by 6-16-99; published 4-2-99

Medical devices:

Reclassification of 38 preamendments class III devices into class II; comments due by 6-14-99; published 3-15-99

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Fair housing:

Complaint processing; plain language revision and reorganization; comments due by 6-14-99; published 4-14-99

INTERIOR DEPARTMENT

Minerals Management Service

Outer Continental Shelf; oil, gas, and sulphur operations:

Documents incorporated by reference; update; comments due by 6-17-99; published 3-19-99

LABOR DEPARTMENT

Mine Safety and Health Administration

Education and training:

Shell dredging and mining of sand, gravel, surface stone, surface clay, cooloidal phosphate, and surface limestone; comments due by 6-14-99; published 4-14-99

LABOR DEPARTMENT

Occupational Safety and Health Administration

Safety and health standards, etc.:

Employer payment for personal protective equipment; comments due by 6-14-99; published 3-31-99

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

East River, NY; safety zone; comments due by 6-16-99; published 5-25-99

First Coast Guard District navigable waters; regulated navigation area; comments due by 6-14-99; published 3-15-99

First Coast Guard District navigable waters; regulated navigation area; correction; comments due by 6-14-99; published 3-31-99

Regattas and marine parades:

First Coast Guard District fireworks display; comments due by 6-14-99; published 4-15-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Checked baggage; security on domestic flights; comments due by 6-18-99; published 4-19-99

Airworthiness directives:

Bell Helicopter Textron; comments due by 6-15-99; published 4-16-99

Bombadier; comments due by 6-16-99; published 5-17-99

Empresa Brasileira de Aeronautica S.A.; comments due by 6-17-99; published 5-18-99

Raytheon; comments due by 6-18-99; published 4-28-99

Robinson Helicopter Co.; comments due by 6-14-99; published 4-13-99

Sikorsky; comments due by 6-15-99; published 4-16-99

Class E airspace; comments due by 6-18-99; published 5-4-99

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Defect and noncompliance reports and notification; manufacturer notification to dealers of safety related defects; implementation; comments due by 6-18-99; published 5-19-99

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials transportation:

Registration and fee assessment program; comments due by 6-14-99; published 4-15-99

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1034/P.L. 106–32

To declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States. (June 1, 1999; 113 Stat. 115)

Last List May 26, 1999

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, send E-mail to **listproc@lucky.fed.gov** with the text message:

subscribe PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new public laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1998
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, 1998
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	(869–034–00015–1)	44.00	Jan. 1, 1998
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	(869–034–00052–5)	13.00	Apr. 1, 1998
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
141–199	(869–034–00054–1)	33.00	Apr. 1, 1998
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	(869–034–00061–4)	28.00	Apr. 1, 1998
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	(869–034–00068–1)	41.00	Apr. 1, 1998
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
23	(869–034–00070–3)	25.00	Apr. 1, 1998
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	(869–034–00074–6)	45.00	Apr. 1, 1998
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	(869–034–00087–8)	38.00	Apr. 1, 1998
§§ 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	(869–034–00093–2)	34.00	Apr. 1, 1998
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
600–End	(869–034–00095–9)	9.00	Apr. 1, 1998
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, 1997 through December 31, 1997. 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.