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Thursday
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 47

[Docket Number FV98–358]

Amendments to Rules of Practice Under the Perishable Agricultural Commodities Act (PACA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is amending the Rules of Practice under the Perishable Agricultural Commodities Act (other than formal disciplinary proceedings). In addition to bringing several sections of the Rules of Practice into compliance with the PACA Amendments of 1995, USDA is making other changes to enhance customer service.

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Charles W. Parrott, Assistant Chief, PACA Branch, Room 2095-So. Bldg., Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 720–4180, Email—charles.parrott@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Perishable Agricultural Commodities Act (PACA or Act) establishes a code of fair trading practices for the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. The Act requires that parties fulfill their contractual obligations, and provides a forum where firms that buy and sell fruits and vegetables can settle commercial disputes outside of the civil court system. Under the PACA, these disputes, or reparation complaints, are handled first on an informal basis in an attempt to achieve an amicable settlement between the disputing parties. About 75 percent of all reparation complaints are resolved informally, generally within eight weeks. However, if an informal settlement is not reached, there is a formal complaint procedure available under which USDA's Judicial Officer issues a binding decision in the case. The Rules of Practice applicable to reparation proceedings inform the industry of USDA's procedures and requirements for the handling of informal and formal complaints under the PACA.

A proposed rule to amend the regulations was published in the **Federal Register** on January 28, 1999 (64 FR 4342). The proposal amended several sections of the Rules of Practice to comply with the PACA Amendments of 1995, and made numerous other changes to enhance customer service. Comments on the proposed rule were to be submitted by March 1, 1999. The Agricultural Marketing Service (AMS) received two comments.

We received comments from JSG Trading Corp. (JSG), Tinton Falls, New Jersey and McCarron & Associates (McCarron), Washington, D.C. JSG objected to the Department of Agriculture's (USDA) handling of reparation cases in general. McCarron suggested some additional revisions to further enhance customer service.

In its comment, JSG objected to the preparation of draft reparation decisions by PACA Branch personnel (§ 47.2(i)). The commentor questioned whether PACA personnel could be impartial in the preparation of such drafts. We believe that the commentor's concern is misplaced because the knowledge and expertise of PACA personnel have always been utilized in resolving disputes involving perishable agricultural commodities. These services are routinely sought by the parties involved. USDA, of course, has no vested interest in the outcome of any complaints. PACA Branch personnel have a widely recognized history of professional impartiality. Moreover, we believe that the commentor's concern is more than adequately addressed by the provision which requires that all draft decisions prepared by PACA Branch personnel be reviewed by an attorney employed by the Office of the General Counsel. Therefore, AMS is making no change based on this comment.

McCarron's comments touched on several points. With regard to § 47.6(a), he suggested that the appropriate period of time to elapse before a file is permanently closed be left to the judgment of the Deputy Administrator, and that it not exceed 20 days. The proposed amendment to § 47.6(a) allowed a complainant nine months to file a formal complaint after informal handling had been completed. After further consideration, we agree that a 9-month period allows more time than is needed for a complainant to decide to proceed with a formal complaint. However, the suggested 20-day period is considered too short. Therefore, the final rule provides a complainant with 90 days to file a formal complaint after the informal handling by the PACA Branch has been completed. McCarron further suggested that the wording of this section clarify that the waiver of further proceedings applies only to actions before the Secretary of Agriculture. The Rules of Practice under the Perishable Agricultural Commodities Act (other than formal disciplinary proceedings) apply, however, only to reparation proceedings filed before the Secretary of Agriculture. Therefore, with the exception of the change discussed above, § 47.6(a) will remain as proposed.

With regard to § 47.9, McCarron addressed the proposed requirement that complainant in a reparation complaint respond to a counterclaim or be held to have admitted the respondent's allegations contained in the counterclaim. McCarron stated that this alteration is overly legalistic, adds nothing to assist the decision-maker, and unduly delays resolution of the matter. We are making no change to the rule based on this comment because a counterclaim has the same weight in the formal complaint process as does a complaint, and it is a matter of equity that both parties be treated equally and be required to answer any positive charges against them. No changes to the final rule are necessary.

With regard to §§ 47.15(a)(1) and 47.16(a), McCarron stated that it is not clear that the examiner who may grant a hearing or authorize taking depositions in connection with an oral hearing, is the presiding officer or an agency employee. This was addressed in the change to § 47.2(i), where it is made clear that agency employees are to act as

examiners solely in cases handled through the documentary procedure. No change in the final rule is necessary.

With regard to § 47.20, McCarron suggested the addition of language to clarify that the $30,000 figure for determining whether a complaint may be handled through oral hearing, should be the principal amount of the claim only, and should not include interests and/or costs associated with the claim. We agree with his suggestion. Therefore, we have changed the final rule to reflect that the $30,000 threshold amount for an oral hearing not include accrued interest.

Finally, McCarron suggested that a time limit be placed on USDA for the resolution of informal complaints and for the issuance of decision and orders, from the time the case is ready for decision. Such restricted deadlines could, however, run afoul of conditions outside the control of the agency. In fact, most informal complaints are at present being resolved within 90 days of their opening, and the great majority of documentary procedure decisions are being issued within 90 days from the time the case is ready for decision.

Agricultural Marketing Service (AMS) believes that the amendments to the Rules of Practice will enhance customer service by allowing certain documents in formal PACA reparation proceedings to be served via private or commercial mail delivery, in addition to service by certified or registered mail.

The amendments clarify certain regulations and definitions. Throughout the Rules of Practice, the term ''shortened procedure'' was replaced with ''documentary procedure'' to reflect more accurately a formal reparation process that does not involve an oral hearing.

Due to the reorganization of AMS, the definition of the ''Fruit and Vegetable Programs'' was substituted for the definition of ''Division,'' the definition of ''Associate Administrator'' was substituted for the definition of ''Deputy Administrator,'' and the definition of ''Deputy Administrator'' was substituted for the definition of ''Director.'' Additionally, the words ''Program'' and ''Deputy Administrator'' were substituted for ''Division'' and ''Director'' respectively, wherever they appeared in Part 47. The term ''examiner'', § 47.2(i)(1) was expanded to indicate that senior marketing specialists may also prepare decisions in shortened or ''documentary procedure'' cases subject the review of USDA's Office of the General Counsel (OGC). The definition of ''examiner's report'' in § 47.2(j) was shortened to eliminate the references to Administrative Law Judges because they do not participate in reparation cases and do not write examiner's reports. The definitions of ''mail'' and ''re-mail'' were expanded to allow for additional methods of service to include commercial or private mail delivery services. The section regarding informal complaints, § 47.3, was revised to require that the complaint be in writing and allow for the filing of an informal complaint by facsimile transmission. In addition, the information required in an informal complaint was revised for clarification purposes. The revision changed ''car initial and number, if carlot;'' to read ''carrier identification;'' and corrected a typographical error in § 47.3(a) (2) (vii) by inserting the word ''and'' between the words ''gross net.'' A statement regarding the required filing fee of $60.00 was added to the text. Additionally, paragraph (c) of that section regarding the ''Status of person filing informal complaint'' was eliminated because it is not pertinent to these regulations.

Section 47.4, which addresses service matters, was revised to permit the commercial or the private delivery of certain documents and now describes when service is perfected under the various mailing options. Additionally, the reference to the service of the Chief's determination that a person was responsibly connected with a licensee was deleted from paragraph (b)(1) because this issue is addressed in § 47.49 of the regulations (7 CFR 47.49).

The section that delineates formal complaints in the Rules of Practice was changed to include the requirement that a formal complaint be filed within ninety days of notification that complainant may proceed formally, or the complainant loses the opportunity to proceed with a formal complaint. Additionally, the rules were revised to require that a $300.00 handling fee must accompany the filing of a formal complaint or counterclaim before AMS will serve the complaint on the respondent(s). The handling fee for formal complaints was included in the Rules of Practice to comform with the PACA Amendments of 1995.

Significant changes were made to § 47.9, which addresses the reply to a counterclaim or set-off. The counterclaim or set-off will now be treated as a formal complaint filed by the respondent, and therefore, failure to reply will be a default on complainant's part as to the counterclaim or the set-off. In the previous rules, a failure to file a reply was treated as a denial of the allegations of the counterclaim or set-off, whereas the revised rules have created a parallel between the filing of a complaint and the filing of a counterclaim or set-off.

With the new expanded definition of examiner in § 47.2(i), § 47.11 was amended to clarify that only OGC attorneys, and not other USDA employees, are granted certain powers under this section of the regulations because only OGC attorneys conduct oral hearings. The examiner's powers now include the ability to require parties to provide copies of exhibits prior to hearings and depositions in any type of hearing.

The Rules of Practice were amended to comply with the 1995 PACA Amendments which raised the minimum claim for damages required for an oral hearing from $15,000 to $30,000. Sections 47.11 and 47.16 were amended to clarify that subpoenas or orders for depositions are made over the facsimile signature of the Secretary. In addition, the regulations regarding oral hearings no longer permit a complainant to submit evidence in the form of depositions in lieu of appearing in person or by counsel. Instead, all parties are now required to appear in person or through a representative at oral hearings.

The section which discusses the deposition process was expanded to include references to the possibility of depositions in a case that is converted from an oral hearing case to a documentary procedure case.

In order to ensure sufficient opportunity for review by the examiner and sufficient notice to the individual who is subpoenaed, § 47.17 was amended to require that applications for subpoena be received at least thirty days prior to the hearing or deposition date, and that the subpoena be issued at least twenty days before the date of appearance. An exception may be made for good cause shown.

All filings with regard to claims for fees and expenses in oral hearing cases and the resultant objections will now be filed with the Hearing Clerk instead of the examiner in order to ensure that the documents are properly filed into the official record kept by the Hearing Clerk. The Hearing Clerk's Office is now the appropriate place to file petitions for rehearing, reargument, reconsideration of orders, reopening of hearings and reopening after a default. The regulations were revised by replacing the words ''hearing clerk'' with the words ''Hearing Clerk'.

As previously stated, the term ''shortened procedure'' was changed to ''documentary procedure''. In the documentary procedure section, the rule regarding verification of pleadings or statements was expanded to note that

certification by a notary public alone is not sufficient; rather, a signed verifying statement must be appended to the document.

Procedures for requesting a reopening after a default were removed from the provision that covers filing, extensions of time, effective date of filing, computations of time, and official notice and were moved to the more appropriate section that deals with rehearing, reargument, reconsideration of orders, and reopening of hearings. In addition, the provision for reopening after a default was revised to permit a petition to reopen the proceedings to be filed before the expiration of 30 days from the date of issuance of the default order. This revision eliminates any confusion that existed in the previous regulation because it did not provide a time certain for filing. The amendment clarified that the filing must be made before the Default Order becomes final. For all filings, the provision for computation of time was revised to include Saturdays as well as Sundays and holidays.

Executive Orders 12866 and 12988

This final rule, issued under the Perishable Agricultural Commodities Act (7 U.S.C. 499 *et seq.*), as amended, 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 (OMB).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform, and is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Effects on Small Businesses

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), USDA has considered the economic impact of this final rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Small agricultural service firms have been defined by the Small Business Administration (13 CFR part 121) as those whose with less than 500 employees. The PACA requires all businesses that operate subject to its provisions maintain a license issued by USDA. There are approximately 15,700 PACA licensees, a majority of which may be classified as small entities.

The revisions to the PACA Rules of Practice streamline USDA procedures and requirements for handling of informal and formal complaints under the PACA. In Fiscal Year 1998, there were 2198 informal reparation claims, 21 counterclaims, and 563 formal reparation cases filed with USDA under the PACA. The revisions to the reparation Rules of Practice apply only to firms that utilize USDA's service for resolving commercial disputes under the PACA. AMS believes that these revisions to the Rules of Practice will enhance customer service to the industry by expediting the handling of documents in PACA reparation proceedings. Most of the revisions provide notice to claimants of the procedure that AMS will now follow in adjudicating claims. For example, the proposed revision that provides for additional methods of service of formal documents by AMS will not produce any economic effect on licensees initially. But, if the use of commercial and/or express delivery services take the place of certified mail, licensees may be required to absorb the additional costs through marginally higher user fees.

There are some revisions, however, that will affect the rights and obligations of claimants. For example, claimants must be certain to adhere to the filing requirements for both informal and formal complaints, which require the payment of statutorily mandated filing and handling fees, respectively. If the required fees do not accompany a filing, a claimant may lose access to the reparation forum. These revisions, and others, may affect a claimant's due process rights, which are difficult to quantify. However, since the reparation forum is but one available means to resolve contract disputes concerning perishable agricultural products in interstate commerce, AMS has determined that the provisions of this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 does not apply to this final rule since it does not seek answers to identical questions or reporting or recordkeeping requirements imposed on ten or more persons, and the information collected is not used for general statistical purposes.

List of Subjects in 7 CFR Part 47

Administrative practice and procedure, Agricultural commodities, Brokers.

For the reasons set forth in the preamble, 7 CFR part 47 is amended as follows:

PART 47—[AMENDED]

1. The authority citation for part 47 is revised to read as follows:

Authority: 7 U.S.C. 499o; 7 CFR 2.22(a)(1)(viii)(L), 2.79(a)(8)(xiii).

2. Section 47.2 is amended by removing paragraph (j)(2) and redesignating paragraph (j)(1) as paragraph (j) and revising paragraphs (e), (g), (h), (i), (s), and (t) to read as follows:

§ 47.2 Definitions.

* * * * *

(e) *Associate Administrator* means the Associate Administrator of the Service, or any officer or employee of the Service to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his or her stead.

* * * * *

(g) *Fruit and Vegetable Programs* means the Fruit and Vegetable Programs of the Agricultural Marketing Service.

(h) *Deputy Administrator* means the Deputy Administrator of the Fruit and Vegetable Programs or any officer or employee of the Fruit and Vegetable Programs to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated by the Deputy Administrator, to act in his stead.

(i) *Examiner.* In connection with reparation proceedings, the term ''examiner'' is synonymous with ''presiding officer'' and means any attorney employed in the Office of the General Counsel of the Department, or in connection with reparation proceedings conducted pursuant to the documentary procedure in § 47.20, the term ''examiner'' may mean any other employee of the PACA Branch whose work is reviewed by an attorney employed in the Office of the General Counsel of the Department.

* * * * *

(s) *Mail* means to deposit an item in the United States Mail with postage affixed and addressed as necessary to cause it to be delivered to the address shown by ordinary mail, or by certified mail or registered mail if specified, or to cause a properly addressed item to be delivered by a commercial or private mail delivery service to the address shown.

(t) *Re-mail* means to mail by ordinary mail to an address an item that has been returned after being sent to the same address by certified or registered mail or

by a commercial or private mail delivery service.

5. In § 47.3, the first sentence in paragraph (a)(2) and paragraph (a)(2)(iv) are revised, in paragraph (a)(2)(vii) the word ''and'' is added between the words ''gross'' and ''net'', paragraph (c) is removed, and a new paragraph (a)(4) is added to read as follows:

§ 47.3 Institution of proceedings.

(a) * * *

(1) * * *

(2) Informal complaints may be made in writing by telegram, by letter, or by facsimile transmission, setting forth the essential details of the transaction complained of. * * *

* * * * *

(iv) Carrier identification;

* * * * *

(4) The informal complaint shall be accompanied by a filing fee of $60 as required by the Act.

* * * * *

7. Section 47.4 is amended by revising the section heading and paragraphs (b)(1), (b)(3), (c)(1), and (d)(1) to read as follows:

§ 47.4 Service and proof of service.

* * * * *

(b) *Service on Party.* (1) Any complaint or other document initially served on a person to make that person a party respondent in a proceeding, a final order, or other document specifically ordered by the presiding officer or Judicial Officer to be served by certified or registered mail, or commercial or private mail delivery service, shall be deemed to be received by any party to a proceeding on the date of delivery by certified or registered mail, or commercial or private mail delivery service to the last known principal place of business of such party, last known principal place of business of the attorney or representative of record of such party, last known residence of such party if an individual: Provided, That, if any such document or paper is sent by certified, registered, commercial, or private mail, but is returned, it shall be deemed to be received by such party on the date of the re-mailing by ordinary mail to the same address.

* * * * *

(3) Any document or paper served other than by certified, registered, commercial, or private mail on any party to a proceeding shall be deemed to be received by such party on the date of:

* * * * *

(c) * * *

(1) Delivery by certified, registered, commercial, private or mail to the last known principal address of such person, last know principal place of business of the attorney or representative of record of such person, or last known residence of such person if an individual;

* * * * *

(d) * * *

(1) A certified or registered mail receipt returned by the postal service with a signature, or a signed receipt returned by a private or commercial mail delivery service;

* * * * *

8. In § 47.6, paragraphs (a) and (c) are revised to read as follows:

§ 47.6 Formal complaints.

(a) *Filing; contents; number of copies.* (1) If the procedure provided in § 47.3(b) fails to effect an amicable or informal settlement, the person who filed the informal complaint may, if further proceedings are desired, file a formal complaint with the Fruit and Vegetable Programs. The formal complaint shall be filed within ninety days of notification of the opportunity to proceed formally. Failure to file a formal reparation complaint within the time prescribed shall result in the waiver of further proceedings on the claim alleged in the informal complaint.

(2) The formal complaint shall set forth the information and be accompanied by the papers indicated in § 47.3(a)(2) and (3), including a statement of the amount of damages claimed, with the basis therefor, and the method of determination. The original and three copies shall be furnished for filing, and service on the respondent. If there is more than one respondent, a further copy shall be furnished for each additional respondent.

* * * * *

(c) *Service upon respondent; proof of service.* Upon receipt by the Fruit and Vegetable Programs of the formal complaint, the accompanying papers and the $300 handling fee required by the Act, a copy thereof shall be served by the Fruit and Vegetable Programs upon the respondent in accordance with § 47.4. If the complaint is not in the proper form, the Fruit and Vegetable Programs shall return it and inform the complainant of the deficiencies therein.

* * * * *

9. In § 47.8, paragraph (a) is amended by adding a sentence at the end of the section to read as follows:

§ 47.8 The answer.

(a) * * * If the answer includes a counterclaim, the answer shall be accompanied by the $300 handling fee required by the Act for formal complaints.

* * * * *

10. In § 47.9, paragraphs (b) and (c) are revised to read as follows:

§ 47.9 The reply.

* * * * *

(b) *Contents.* The reply shall be confined strictly to the matters alleged in the counterclaim or set-off in the answer. It shall contain a precise statement of the facts which constitute the grounds of defense to the counterclaim or set-off, and shall specifically admit, deny, or explain each of the allegations of the counterclaim or set-off, unless the complainant is without knowledge, in which case the reply shall so state; or a statement that the complainant admits all of the allegations of the counterclaim or set-off; or a statement containing an admission of liability in an amount less than that alleged in the counterclaim or set-off and a denial of liability for the remaining amount.

(c) *Failure to file reply.* Failure to file a reply shall be deemed a waiver of hearing on the counterclaim or set-off and an admission of the allegations contained in the counterclaim or set-off. If no reply is filed, the allegations of the counterclaim or set-off shall be deemed admitted.

11. In § 47.11, the introductory text of paragraph (c), and paragraphs (c)(4), (c)(9), (c)(10) and (c)(13) are revised to read as follows:

§ 47.11 Examiners.

* * * * *

(c) *Powers.* Subject to review by the Secretary, as provided in this Part, the examiner who is an attorney employed in the Office of the General Counsel of the Department, in any proceeding assigned to him or her, shall have power to:

* * * * *

(4) Issue subpoenas over the facsimile signature of the Secretary requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence;

* * * * *

(9) Require each party, prior to any hearing, to provide all other parties and the examiner with a copy of any exhibit that the party intends to introduce into evidence;

(10) Require each party, prior to any deposition, to provide all other parties and the examiner with a copy of any document that the party intends to use to examine a deponent;

* * * * *

(13) Do all acts and take all measures necessary for the maintenance of order and for the efficient conduct of the proceeding.

* * * * *

12. In § 47.12, the introductory text is revised to read as follows:

§ 47.12 Intervention.

At any time after the institution of a proceeding and before it has been submitted to the Secretary for final consideration, the Secretary or the examiner as defined in § 47.2(i)(1) may, upon petition in writing and for good cause show, permit any person to intervene therein. The petition shall state with preciseness and particularity:

* * * * *

13. In § 47.15, paragraphs (a)(1), (a)(2), (b) and (d)(1) are revised to read as follows:

§ 47.15 Oral hearing before the examiner.

(a) *When permissible.* (1) Where the amount of the damages claimed, either in the complaint or in the counterclaim, does not exceed $30,000 (excluding interest), an oral hearing shall not be held, unless deemed necessary or desirable by the Fruit and Vegetable Programs or unless granted by the examiner as defined in § 47.2(i)(1), upon application of complainant or respondent setting forth the peculiar circumstances making an oral hearing necessary for a proper presentation of the case.

(2) Where the amount of damages claimed, either in the complaint or in the counterclaim, is in excess of $30,000 (excluding interest), the procedure provided in this section (except as provided in § 47.20(b)(2)) shall be applicable.

(b) *Request for hearing.* Any party may request an oral hearing on the facts by including such request in the complaint. Failure to request an oral hearing within the time allowed for filing of the reply, or within 10 days after the expiration of the time allowed for filing an answer, shall constitute a waiver of such hearing, and any party so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the documentary procedure provided in § 47.20.

* * * * *

(d) *Appearances*—(1) *Representation.* In any proceeding under the Act, the parties may appear in person or by counsel or other representative.

* * * * *

14. In § 47.16, the introductory text of paragraph (a), and paragraph (b)(1) are revised to read as follows:

§ 47.16 Depositions:

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the examiner as defined in § 47.2(i)(1) may, except as provided in paragraph (b) of this section, at any time after the filing of the moving papers, order, over the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing, shall be filed with the Hearing Clerk, and shall set forth:

* * * * *

(b) *Examiner's order for taking deposition.* (1) If, after examination of the application, the examiner is of the opinion that the deposition should be taken, or if the parties are using depositions in lieu of affidavits pursuant to § 47.20(b)(2), the examiner shall order the taking of the deposition. In no case, except for good cause shown, may the examiner order the taking of a deposition less than 10 days prior to the designated date of deposition. The order shall be filed with the Hearing Clerk upon the parties in accordance with § 47.4.

* * * * *

15. In § 47.17, a sentence is added at the end of paragraph (a) to read as follows:

§ 47.17 Subpoenas.

(a) *Issuance of subpoenas.* * * * Except for good cause shown, applications for subpoenas shall be filed with the Hearing Clerk at least 30 days prior to the designated date of hearing or deposition. Except for good cause shown, the examiner shall not issue subpoenas less than 20 days prior to the designated date of hearing or deposition.

* * * * *

16. In § 47.19, paragraphs (d)(1), (d)(4), (d)(5) and (d)(6) are revised to read as follows:

§ 47.19 Post-hearing procedure before the examiner.

* * * * *

(d) *Claim for award of fees and expenses*—(1) *Filing.* Prior to the close of the hearing, or within 20 days thereafter, each party may file with the Hearing Clerk a claim for the award of the fees and expenses which he incurred in connection with the oral hearing. No award of fees and expenses to the prevailing party and against the losing party shall be made unless a claim therefor has been filed, and failure to file a claim within the time allowed shall constitute a waiver thereof.

* * * * *

(4) *Service of claim.* A copy of each such claim filed shall be served by the Hearing Clerk on the other party or parties to the proceeding.

(5) *Objections to claim.* Within 20 days after being served with a copy of a claim for fees and expenses, the party so served may file with the Hearing Clerk written objections to the allowance of any or all of the items claimed. If evidence is offered in support of an objection, it must be in affidavit form. A copy of any such objections shall be served by the Hearing Clerk on the other party or parties.

(6) *Reply to objections to claim.* A claimant who is served with a copy of objections to his or her claim may, within 20 days after such service, file with the Hearing Clerk a reply to such objection. If evidence is offered in support of a reply, it must be in affidavit form. A copy of any such reply shall be served by the Hearing Clerk on the other party or parties.

* * * * *

17. In § 47.20, the section heading, the first sentence in paragraph (a), paragraphs (b)(1), (b)(2), and the introductory text of paragraph (h) are revised to read as follows:

§ 47.20 Documentary procedure.

(a) *In general.* The documentary procedure described in this section shall, whenever it is applicable as provided in paragraph (b) of this section, take the place and serve in lieu of the oral hearing procedure hereinbefore provided. Under the documentary procedure, the pleadings of the parties, if verified in accordance with paragraph (h) of this section, and any report of investigation filed with the hearing clerk pursuant to § 47.7 will be considered as evidence in the proceeding. * * *

(b) *When applicable*—(1) *Where damages claimed do not exceed $30,000.* The documentary procedure provided for in this section shall (except as provided in § 47.15(a)) be used in all reparation proceedings in which the amount of damages claimed, either in the complaint or in the counterclaim, does not exceed $30,000 (excluding interest).

(2) *Where damages claimed exceed $30,000.* In any proceeding in which the amount of damages claimed, either in the complaint or in the counterclaim, is greater than $30,000 (excluding interest), the examiner, whenever he or she is of the opinion that proof may be fairly and adequately presented by use of the documentary procedure provided for in this section, shall suggest to the parties that they consent to the use of such procedure. Parties are free to consent to such procedure if they

choose, and declination of consent will not affect or prejudice the rights or interests of any party. A party, if he or she has not waived oral hearing, may consent to the use of the documentary procedure on the condition that depositions rather than affidavits be used. In such case, if the other party agrees, depositions shall be required to be filed in lieu of verified statements. If any party who has not waived oral hearing does not consent to the use of the documentary procedure, the proceeding will be set for oral hearing. The suggestion that the documentary procedure be used need not originate with the examiner. Any party may address a request to the examiner asking that the documentary procedure be used.

* * * * *

(h) *Verification.* Verification shall be made under oath of any facts set forth in the pleading or statement, by the person who signs the pleading or statement. Certification by a notary public is insufficient. The form of verification may be as follows:

* * * * *

18. Section 47.21 is revised to read as follows:

§ 47.21 Transmittal of record.

The Hearing Clerk, immediately after the filing of the examiners' report, shall transmit to the Secretary the record of the proceeding. Such record shall include: The pleadings; motions and requests filed, and rulings thereon; the report of investigation conducted by the Fruit and Vegetable Programs; the transcript or record of the testimony taken at the hearing, together with the exhibits filed therein; any statements or stipulations filed under the documentary procedure; any documents or papers filed in connection with conferences; such proposed findings of fact, conclusions, and orders and briefs as may have been permitted to be filed in connection with the hearing as provided in § 47.19(b) and (c); such statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the examiner's report.

* * * * *

19. In § 47.24, the section heading and paragraph (a) are revised and a new paragraph (d) is added to read as follows:

§ 47.24 Rehearing, reargument, reconsideration of orders, reopening of hearings , reopening after default.

(a) *Petitions to rehear, reargue, and reconsider.* A petition for rehearing or reargument of the proceeding, or for reconsideration of the order, shall be made by petition to the Secretary filed with the Hearing Clerk within 20 days after the date of service of the order. Every such petition shall state specifically the matters claimed to have been erroneously decided and the alleged errors. If the Secretary concludes that the questions raised by the petition have been sufficiently considered in the issuance of the order, the Secretary shall dismiss the petition without service on the other party. Otherwise, the Secretary shall direct that a copy of the petition be served upon such party by the Hearing Clerk. The filing of a petition to rehear or reargue a proceeding, or to reconsider an order, shall automatically operate to set aside the order pending final action on the petition. Only one petition to rehear, reargue, or reconsider will be accepted from each party, except when a mathematical or typographical error appears in either the original decision and order or in the decision on reconsideration.

* * * * *

(d) *Reopening after default.* The party in default in the filing of an answer or reply required or authorized under this part may petition to reopen the proceeding at any time prior to the expiration of 30 days from the date of service of the default order. If, in the judgment of the examiner, after notice to and consideration of the views of the other party(ies), there is good reason for granting such relief, the party in default will be allowed 20 days from the date of the order reopening the proceeding to file an answer.

20. In § 47.25, the section heading and paragraph (d) are revised, paragraph (e) is removed and paragraph (f) is redesignated as paragraph (e) to read as follows:

§ 47.25 Filing; extensions of time; effective date of filing; computations of time; official notice.

* * * * *

(d) *Computations of time.* Saturdays, Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: Provided, That, when such time expires on a Saturday, Sunday or Federal holiday, such period shall be extended to include the next following business day.

* * * * *

21. Part 47 is amended by removing the words ''hearing clerk'' and adding in their place the words ''Hearing Clerk'', everywhere they appear.

22. Part 47 is amended by removing the word ''Division'' and adding in its place the words ''Fruit and Vegetable Programs'', everywhere they appear.

23. Part 47 is amended by removing the words ''Director'' and ''Director's'', and adding in their place the words ''Deputy Administrator'' and ''Deputy Administrator's'' respectively, everywhere they appear.

Dated: July 12, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–18047 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 98–021–2]

Cut Flowers

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the cut flowers regulations to provide that APHIS inspectors will issue a written notice when pests are detected and action on the part of the importer is required. We are also amending the regulations to make it clear that the importer of cut flowers is responsible for all costs of destroying or otherwise disposing of pest-infested cut flowers should the importer choose not to treat or reexport them. These changes will help reduce the risk of cut flowers introducing plant pests into the United States by ensuring that any necessary treatment or other required actions are completed.

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Campbell, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1231; (301) 734–6799; or e-mail: Ronald.C.Campbell@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of plants, plant parts, and related materials to prevent the introduction of foreign plant pests into the United States. The regulations in § § 319.74 through 319.74–4 (referred to below as the regulations) govern the importation of cut flowers into the United States and require, among other things, that all cut flowers be inspected for injurious insects and plant diseases at the port of entry.

On January 28, 1999, we published in the **Federal Register** (64 CFR 4347–4350, Docket No. 98–021–1) a proposal to amend the cut flowers regulations to:

- Provide that Animal and Plant Health Inspection Service (APHIS) inspectors will issue a written notice when pests are detected at the port of entry and action is required on the part of the importer.
- Make it clear that the importer of cut flowers is responsible for all costs of destroying or otherwise disposing of pest-infested cut flowers should the importer choose not to treat or reexport them.

We solicited comments concerning our proposal for 60 days ending March 29, 1999. We received four comments by that date. They were from trade associations and representatives of State and Federal governments. All responses were in favor of the proposal.

One State requested that APHIS inform the State Department of Agriculture when it issues an emergency action notification (EAN) at a port of entry in that State under this rule. Currently, APHIS' policy is to make individual EANs available upon request, pursuant to the Freedom of Information Act. We intend to discuss other options with the State concerning the notification of issuance of EANs.

We have also made one nonsubstantive editorial change to clarify that cut flowers must be made available for inspection at the port of first arrival.

Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, with one change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The 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.

In accordance with 5 U.S.C. 604, we have performed a Final Regulatory Flexibility Analysis, which is set out below, regarding the economic effect of this rule on small entities.

This rule amends the cut flowers regulations to provide that inspectors will issue a written notice when pests are detected in shipments of imported cut flowers and action on the part of the importer is required. This rule also makes it clear that the person importing cut flowers, and not APHIS, is responsible for the costs of destroying cut flowers when pests are detected and the cut flowers will not be treated or reexported.

In our proposal, we solicited comments on the potential effects of this action on small entities. In particular, we sought data and other information to determine the number and kind of small entities that may incur benefits or costs from the implementation of this rule. We received no comments on our Initial Regulatory Flexibility Analysis.

This rule will help reduce the risk of cut flowers introducing plant pests into the United States by ensuring that any necessary treatment or other required actions are completed. This rule will also help reduce costs for the Federal Government because it explicitly requires that the costs of destroying infested or infected cut flowers be the responsibility of the importer, owner, or agent or representative of the importer or owner. We estimate that approximately 200 to 400 boxes of cut flowers are abandoned each month at Miami International Airport, the port of entry for more than 90 percent of foreign cut flowers. Estimates of the annual cost to APHIS for the disposal or destruction of cut flowers range from $100,000 to $240,000.

The entities potentially affected by this rule are importers and others in the United States who are involved in the importation of cut flowers. This rule will increase costs for importers, who will be required to absorb the cost of destroying infested or infected flowers at U.S. ports of entry. The number and size of those entities potentially affected by this rule are unknown.

It is reasonable to assume that most of the entities potentially affected by this rule are small by U.S. Small Business Administration (SBA) standards. In 1992, 99 percent of 4,322 wholesalers of flowers, nursery stock, and florists' supplies were considered small entities. The magnitude of the potential economic effect of this rule on small entities cannot be determined.

There is reason to believe that the overall economic effect of this rule on small entities will be insignificant, given that the volume of cut flowers abandoned at U.S. ports of entry is very small compared to the total volume of imported cut flowers allowed entry into the United States. In 1996, the United States imported approximately 2.5 billion fresh cut flower stems through Miami International Airport. No more than 72,000 cut flowers are abandoned yearly at Miami International Airport. Abandoned cut flowers, therefore, represent only a small percentage of the overall volume of cut flower importations into the United States.

Two alternatives to this rule were considered: (1) To make no changes in the regulations and (2) to begin charging importers for destruction by APHIS of abandoned cut flowers without making changes to the regulations. We rejected the first alternative (making no change in the regulations) after determining that the costs to APHIS are too high to continue destroying or disposing of abandoned cut flowers at APHIS' expense. We also rejected the second alternative (charging importers for destruction by APHIS of abandoned cut flowers without making changes to the regulations) because we believe it is necessary to clarify our regulations regarding this issue since they do not currently state that importers are responsible for abandoned cut flowers. Because we have elected to exercise our authority to recover all costs that we incur when disposing of abandoned cut flowers, we are amending the cut flowers regulations to make them more consistent with our regulations elsewhere in title 7, chapter III, by requiring that the importer, owner, or agent or representative of the importer or owner of cut flowers pay all additional costs associated with the importation of cut flowers. APHIS will continue to provide the services of an inspector during regular hours of duty at the usual place of duty at no cost to the importer.

Executive Order 12988

This final 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 new 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 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Logs, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. Subpart—Cut Flowers is revised to read as follows:

Subpart—Cut Flowers

319.74–1 Definitions.
319.74–2 Conditions governing the entry of cut flowers.
319.74–3 Importations by the Department.
319.74–4 Costs and charges.

Subpart—Cut Flowers

§ 319.74–1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture delegated to act in his or her stead.

Cut flower. The highly perishable commodity known in the commercial flower-producing industry as a cut flower, which is the severed portion of a plant, including the inflorescence and any parts of the plant attached to it, in a fresh state. This definition does not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; or Christmas greenery, such as holly, mistletoe, and Christmas trees.

Inspector. Any individual authorized by the Administrator to enforce this subpart.

United States. All of the States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories or possessions of the United States.

§ 319.74–2 Conditions governing the entry of cut flowers.

(a) *Inspection.* All cut flowers imported into the United States must be made available to an inspector for examination at the port of first arrival and must remain at the port of first arrival until released, or authorized further movement, by an inspector.

(b) *Actions to prevent the introduction of plant pests; notice by an inspector.* If an inspector orders any disinfection, cleaning, treatment, reexportation, or other action with regard to imported cut flowers that are found to be infested with injurious plant pests or infected with diseases, the inspector will provide an emergency action notification (PPQ Form 523) to the importer, owner, or agent or representative of the importer or owner of the cut flowers. The importer, owner, or agent or representative of the importer or owner must, within the time specified in the PPQ Form 523 and at his or her own expense, destroy the cut flowers, ship them to a point outside the United States, move them to an authorized site, and/or apply treatments, clean, or apply other safeguards to the cut flowers as prescribed by the inspector on the PPQ Form 523. Further, if the importer, owner, or agent or representative of the importer or owner fails to follow the conditions on PPQ Form 523 by the time specified on the form, APHIS will arrange for destruction of the cut flowers, and the importer, owner, or agent or representative of the importer or owner will be responsible for all costs incurred. Cut flowers that have been cleaned or treated must be made available for further inspection, cleaning, and treatment at the option of the inspector at any time and place indicated by the inspector before the requirements of this subpart will have been met. Neither the Department of Agriculture nor the inspector may be held responsible for any adverse effects of treatment on imported cut flowers.

(c) *Fumigation for agromyzids.* (1) Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) must be fumigated at the time of importation with methyl bromide in accordance with paragraph (c)(2) of this section, with the following exceptions:

(i) Fumigation will not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids.

(ii) Fumigation will not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess).

(2) *Fumigation schedules.* Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) must consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

1½ lbs. per 1,000 cu. ft. for 2 hours at 80–90 °F.
(19 oz. concentration at first ½ hour)
(12 oz. concentration at 2 hours); or
2 lbs. per 1,000 cu. ft. for 2 hours at 70–79 °F.
(24 oz. concentration at first ½ hour)
(16 oz. concentration at 2 hours); or
2½ lbs. per 1,000 cu. ft. for 2 hours at 60–69 °F.
(30 oz. concentration at first ½ hour)
(20 oz. concentration at 2 hours); or
3 lbs. per 1,000 cu. ft. for 2 hours at 50–59 °F.
(36 oz. concentration at first ½ hour)
(24 oz. concentration at 2 hours); or
3½ lbs. per 1,000 cu. ft. for 2 hours at 40–49 °F.
(41 oz. concentration at first ½ hour)
(27 oz. concentration at 2 hours)

Note: There is a possibility that some cut flowers could be damaged by such fumigation.

(d) *Refusal of entry.* If an inspector finds that imported cut flowers are so infested with a plant pest or infected with disease that, in the judgment of the inspector, they cannot be cleaned or treated, or if they contain soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

§ 319.74–3 Importations by the Department.

The U.S. Department of Agriculture may import cut flowers for experimental or scientific purposes under such conditions and restrictions as the Administrator may prescribe to prevent the dissemination of plant pests.

§ 319.74–4 Costs and charges.

The Animal and Plant Health Inspection Service, U.S. Department of Agriculture, will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty (provisions relating to costs for other services of an inspector are contained in 7 CFR part 354). The importer, owner, or agent or representative of the importer or owner of cut flowers is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including the costs of any labor, chemicals, packing materials, or other supplies required.

Done in Washington, DC, this 9th day of July 1999.

A. Cielo,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–18049 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 615

RIN 3052–AB76

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final rule under part 615 on May 28, 1999 (64 FR 28884). The final rule amends the regulations to help Farm Credit System banks and associations respond to rapid and continual changes in financial markets and instruments. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is July 15, 1999.

EFFECTIVE DATE: The regulation amending 12 CFR part 615 published on May 28, 1999 (64 FR 28884) is effective July 15, 1999.

FOR FURTHER INFORMATION CONTACT:
Laurie A. Rea, Senior Policy Analyst, Office of Policy Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498;
or
Richard Katz, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a)(9) and (10))

Dated: July 9, 1999.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 99–18096 Filed 7–14–99; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 257 and 258

[Docket Nos. OST–95–179, OST–95–623, and OST–95–177]

RIN: 2105–AC10, 2105–AC17

Petitions Involving the Effective Dates of the Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases Final Rule and the Disclosure of Change-of-Gauge Services Final Rule

AGENCY: Office of the Secretary (OST), Transportation.

ACTION: Final rule and notice of proposed disposition of petitions.

SUMMARY: Two new rules that the Department of Transportation adopted on March 15, 1999, the Final Rule on Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases, 14 CFR part 257 (''Code-Share Rule''), and the Final Rule on Disclosure of Change-of-Gauge Services, 14 CFR part 258 (''Change-of-Gauge Rule''), are both scheduled to go into effect on July 13, 1999. These rules will enable consumers to make informed choices about their air transportation and to travel without undue confusion. We have received one petition requesting a waiver until October 15, 1999, of the Code-Share Rule's requirement that the transporting carrier's corporate and network names be disclosed. We grant this petition. We have also received seven petitions requesting delay of both rules' effective date, one to mid-October, 1999, and six to March 15, 2000; one of these seeks an additional grace period until September 15, 2000, for tour operators. These latter petitions cite Computer Reservations Systems' (''CRSs'') and other information systems' programming and software problems related to the year 2000 (''Y2K'') as justification for delaying the rules' effective date. We are postponing the effective date of both rules until August 25, 1999, and we are requesting comments on our tentative findings that those parts of the rules that are not affected by CRS reprogramming should take effect on August 25, that the effective date of those parts of the rules that are affected by CRS reprogramming should be further postponed until March 15, 2000, and that as a matter of discretion we should refrain from enforcing both rules in their entirety against the tour operators for an additional grace period of six months.

DATES: *Effective Dates:* The effective date of the rule adding 14 CFR part 257 and removing 14 CFR 399.88, published at 64 FR 12838 on March 15, 1999, is delayed until August 25, 1999. The effective date of the rule adding 14 CFR part 258, published at 64 FR 12854 on March 15, 1999, is delayed until August 25, 1999.

Comment Date: Comments on further delaying the effective date of these rules, or particular provisions of these rules, must be received by July 30, 1999 for consideration to be assured. Comments received after that date will be considered to the extent practicable. If the Department decides to further delay the effective date of these rules, or particular provisions of these rules, it will publish a document in the **Federal Register** announcing the new effective date.

ADDRESSES: Comments may be submitted by one of the following methods:

(1) By mail to the Docket Management Facility (OST–95–179, OST–95–623, OST–95–177), U.S. Department of Transportation, Room PL–401, 400 Seventh St. SW, Washington, DC 20590–0001.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh St. SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to Docket Management Facility at 202–366–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Betsy L. Wolf, Senior Trial Attorney, Office of Aviation Enforcement and Proceedings (202–366–9359), Office of the General Counsel, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 1999, the Department issued two new rules under 49 U.S.C. 41712, our authority to prohibit unfair and deceptive practices and unfair methods of competition. These rules will protect consumers of air transportation in two ways: by ensuring that they are told what kind of service they are considering before they decide to buy it and by giving them written information that will help them avoid confusion and other mishaps in the course of their transportation. Among other things, the Code-Share Rule requires air carriers involved in code-sharing arrangements or long-term wet leases to identify these arrangements in the written or electronic schedule information they provide to the public, in the Official Airline Guide (''OAG'') and comparable publications, and in CRSs with an asterisk or comparable mark and to disclose the transporting carrier's corporate name and any other name under which the service is held out to the public. The rule also requires air carriers and ticket agents to disclose this same information orally to prospective passengers before booking transportation, and it requires these sellers to provide this information in a written notice once a consumer has booked a flight involving a code-share arrangement or a long-term wet lease.[1] The Change-of-Gauge rule has

[1] In the interest of clarity and brevity, in the remainder of this notice, we refer in most instances to the disclosures that the Code-Share Rule specifically requires and that are not specifically required under existing law or policy—namely, disclosure of the transporting carrier's corporate name and any other name under which a code-share or long-term wet-lease service is held out to the public—as ''the new code-share and long-term wet-lease disclosures.''

comparable requirements for service with one flight number that requires a change of aircraft en route. For many if not most carriers and for all ticket agents, the ability to comply fully with these requirements hinges on the ability of the CRSs both to display all of the relevant information and to print it as the required written notice.

Requests for Postponement

On April 29, 1999, American Airlines, Inc., American Eagle Airlines, Inc., and Executive Airlines, inc. d/b/a American Eagle (collectively, ''American'') requested a waiver of the Code-Share Rule until October 15, 1999 for disclosure of Executive's corporate name. American is in the process of merging Executive into AMR Corporation, American's parent company. When the merger is complete, Executive will surrender its certificate of public convenience and necessity and conduct all further operations as American Eagle. American expects to complete the merger by October 15 and asked for a waiver in order to avoid the time and expense of reprogramming software to comply with the rule in the short time remaining before then after the rule takes effect. Under these circumstances, we agree with American that compliance with the rule would be unreasonably burdensome, so we grant its petition with regard to Executive.

On May 4, Midwest Express Airlines requested a 90-day extension of the effective dates of both rules, claiming that the CRS enhancements that it has ordered from SABRE will not be ready by July 13. Similarly, on May 24, the Air Transport Association of America, Inc. (''ATA'') filed a petition asking the Department to postpone the rules' effective date until March 15, 2000. ATA stated that its member carriers and the CRSs have been working to reprogram and reconfigure their various information systems to be able to comply with both rules by July 13, but they have found this task, which requires coordination among all affected entities, more complex and time-consuming than they had anticipated. ATA stated that these efforts are coinciding unavoidably with the industry's commitment of considerable information services resources to ''pressing Y2K needs.'' With Y2K commanding the highest priority, ATA reported that ''many industry information services are planning to 'lock down' their systems early in the fourth quarter of 1999 and until after leap year day 2000.''

ATA's petition drew supporting answers from the OAG, Aeropostal Alas de Venezuela, C.A., The SABRE Group, and EDS. The SABRE Group, which operates the SABRE CRS, stated that SABRE also serves as the internal reservation system of over 50 domestic and international carriers. Claiming that SABRE, like every other technology system, is ''working diligently to avoid any problems associated with the [Y2K] issue,'' The SABRE Group confirmed that SABRE intends to impose a freeze, during which it will permit no new implementations of any kind, from November 1, 1999, to early in March of 2000. EDS, which operates the SHARES computer systems to provide hosting services to multiple domestic and international air carriers, states that it will be imposing a similar freeze from November 1, 1999, through the end of January.

On June 14, the United States Tour Operators Association, Inc. (''USTOA'') filed a petition asking not only for an extension of both rules' effective date until March 15, 2000, in support of ATA's petition, but also for a grace period for tour operators of another six months—i.e., until September 15, 2000. USTOA agreed with ATA that much work remains to be done by the air carriers and CRSs before the former will be able to comply with the rules and that Y2K issues should take top priority. USTOA stated that tour operators use CRSs as a source of information for their own '''front-end information systems','' which ''are extensive and complex because they include functionality to book air, along with hotel, rental car, airport transfers, dining, sightseeing activities, compute total retail price, print out itinerary and pay vendors.'' According to USTOA, tour operators will need to reprogram these front-end information systems in order to comply with both rules, and this endeavor will in turn entail ''knowing the specifications set by the originators of the information—the airlines and CRSs.'' USTOA requested an additional six-month grace period for tour operators to reprogram their own systems.

On June 25, four foreign carriers, AVIATECA, S.A., LACSA Airlines, TACA International Airlines, S.A., and NICARAGUENSE DE AVIACION, requested an extension of the rules' effective date until March 15, 2000. These carriers are multi-hosted in SABRE, which, as noted, has announced that it will not be able to provide the requisite enhancements to enable these carriers to comply with the rules as of July 13.[2]

The Department's Concerns

We recognize that it is critical that information systems in the air transportation industry be prepared to continue functioning normally through the end of the 20th century and into the 21st. The Department has actively sought to avoid imposing any substantial information burdens on the industry that would interfere with its ability to become Y2K-compliant. In fact, when we adopted the two rules at issue here in March, all information available to us indicated that the CRSs and major airline reservations systems were or would be Y2K compliant. We had attempted to gauge the rules' effect on Y2K compliance by reviewing statements from Annual Reports, 10–K and 10–Q Statements filed with the Securities and Exchange Commission, news reports, press releases, and other documents of the four CRSs, the nine largest U.S. air carriers, and other relevant entities. While recognizing that there could be no guarantees, we found that most entities expected to be Y2K compliant on time and had made contingency plans to use in the event that they are not. We concluded that the public interest would best be served by issuing the rules in March and making them effective in July rather than waiting until next year, because the need for effective disclosure has been pressing and is likely to increase as air carriers' relationships and operations grow ever more complex. *See* 64 *Fed. Reg.* 12838, 12850–12851 (March 15, 1999) (Code-Share Rule) and 64 *Fed. Reg.* 12854, 12859 (March 15, 1999) (Change-of-Gauge Rule).

Because of the rules' implications for consumer welfare and because the technological problems suggested by the parties do not apply to all parts of the new rules, we concluded initially that the public interest would not be served by extending the effective date for both rules in their entirety until March 15, 2000. Without more detailed and concrete information from the parties, however, we could not make an informed decision on which parts of the rules might have to be postponed or for how long. We believed that Y2K compliance might no longer be an issue for the entire industry; we knew that sellers and providers of air transportation could comply with some parts of the rule without any reprogramming by the CRSs. The rules do add several new disclosure requirements, including requiring ticket agents as well as air carriers to provide

[2] On May 25, Aer Lingus Limited (''Aer Lingus'') requested a temporary waiver of the Code-Share Rule until October 31, 1999, for reasons unrelated to the issues raised by the other parties. We have disposed of Aer Lingus's request elsewhere.

both oral and written notice of code-sharing arrangements and change-of-gauge services, but they also retain and consolidate existing disclosure requirements that already apply to air carriers.[3] Several of the new requirements do require reprogramming on the part of the CRSs: the new code-share and long-term wet-lease disclosures in schedules, the OAGs, and the CRSs, these same disclosures via oral notice to consumers before booking transportation, these same disclosures via written notice to purchasers, and a generic written notice of change-of-gauge services to purchasers. CRS reprogramming does not come into play for the Code-Share Rule's advertising requirement. Furthermore, CRS listings already indicate code-share services and change-of-gauge services, so travel agents are able now to comply with existing oral disclosure requirements that apply only to air carriers.[4]

Additional Information from Interested Parties

Because of our need to resolve these issues quickly and craft a solution that both accommodates legitimate Y2K concerns and allows only those delays to the rules' consumer benefits that are unavoidable, we met with interested parties at the Department on Tuesday, June 29.[5] Those in attendance gave us more detailed information than the parties had provided in their pleadings on how Y2K compliance issues relate to compliance with the rules, on why CRSs cannot be reprogrammed to allow all parties to comply with the new rules in their entirety by July 13, and on why the parties need until March of next year (and, in the case of USTOA, an additional six months) to be ready to comply. The following five paragraphs contain the gist of this information.

First, for air carriers and ticket agents to comply with the rules' new requirements, the CRSs must be reprogrammed (1) to allow carriers to input the new code-share and long-term wet-lease disclosures, (2) to display all of this information on screens viewed by travel agents, and (3) to print both these new disclosures and the generic written disclosure required for change-of-gauge services. Additionally, OAG must make changes to be able to assimilate and list all of the new information from air carriers, and carriers themselves have reprogramming work to do to be able, among other things, to provide written notice of code-share services, long-term wet leases, and change-of-gauge services at airports when this notice is not sent to passengers earlier along with a ticket or itinerary. USTOA's members sell tour packages, mostly through travel agents but in some cases directly to the public; they cannot begin to reprogram their own front-end information systems until after the CRSs have completed their reprogramming.

Second, the CRSs cannot accomplish all of the reprogramming they must do by July 13.[6] To ingest, process, display, and dispense all of the additional information the new rules require, the CRSs must more than double the size of their existing data fields, from 19 characters to 39 characters. This task requires massive reprogramming, consuming considerable resources for considerable amounts of time, and is further complicated by the need for a standard, industry-wide solution.

Third, the CRSs, the other information systems, and the carriers initially failed to apprehend the enormity of the task before them. Meanwhile, as Y2K looms ever larger, the information systems are all imposing freezes on new implementations from November through at least the beginning of next year. They will use the initial months of these freezes to arrange things so that they can quickly identify, analyze, and fix any problems that may arise during the transition to the next century. They do not have unlimited resources. Therefore, not only can they not possibly finish the reprogramming required by the Code-Share and Change-of-Gauge Rules by July 13, but they deem it highly unlikely that they will be able to finish, test, and implement this reprogramming before their freezes commence in November even though they will continue their good-faith efforts.

Fourth, while the reprogramming necessary for the new code-share and long-term wet-lease disclosures plus the generic written notice of change-of-gauge services constitute the barrier to compliance with both new rules in their entirety by July 13, CRS displays do already indicate code-share service and identify the transporting carrier, and they do already indicate change-of-gauge service. Virtually all travel agents now use CRSs to book transportation and issue tickets. Therefore, with the exception of USTOA's members discussed below, ticket agents[7] should already be able to comply with the oral disclosure requirements currently in effect for air carriers and foreign air carriers.

Fifth, USTOA's members are tour operators. They do most of their business through travel agents, but they do have some direct dealings with consumers. Unlike conventional travel agents, they use their own front-end systems rather than CRSs, as noted. Not only will they need six months after the CRSs are reprogrammed to reprogram their own systems to display and process all of the information required for compliance with the two rules, as also noted, but unlike the CRSs, these systems do not currently indicate code-share service, identify the transporting carrier, or indicate change-of-gauge service. Therefore, unlike conventional travel agents, USTOA's members are not already able to comply with the oral disclosure requirements currently in effect for carriers.

Disposition

On the one hand, the parties have satisfied us that they cannot comply with the two rules in their entirety by July 13 and will not be able to comply before the information systems' freezes on implementation take effect in November. Moreover, we must continue to take care not to impose information burdens on the industry that could interfere with Y2K compliance. On the other hand, the rules will give consumers information that is of critical importance to them in making informed decisions about their travel purchases and in avoiding problems during travel.

[3] The Department's policy on airline designator code-sharing, 14 CFR § 399.88, requires air carriers to give reasonable and timely disclosure of code-sharing arrangements by identifying them in schedules given to the public, the OAG, and CRSs, by disclosing them in discussions with consumers, and by providing frequent, periodic notice of them in advertisements. The Department's orders approving code-sharing arrangements involving foreign air carriers apply these same requirements to the foreign carriers. *See, e.g.,* Order 94–5–31. As for change-of-gauge service, the Department's CRS rules, 14 CFR § 255.4(b)(2), require that CRS displays give notice of any flight that involves a change of aircraft en route, and we require as a matter of policy that carriers give consumers notice of aircraft changes for change-of-gauge flights. *See* Order 89–1–31 at 5.

[4] USTOA's members are not able at present to comply with these requirements, as discussed below.

[5] Specifically, the Acting Assistant Secretary for Aviation and International Affairs, the General Counsel, and Department staff met with representatives from ATA, American, Continental, Delta, Midwest Express, Northwest, TWA, US Airways, Aeropostal, Canadian, OAG, and SABRE.

[6] Although only SABRE has commented on the record and sent representatives to the meeting, the parties confirmed that the other CRSs are situated similarly.

[7] As a technical matter, both rules apply to ticket agents as that term is defined in 49 U.S.C. 40102 (40): a ticket agent is ''a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as a principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.'' Thus, all travel agents are ticket agents, but not all ticket agents are travel agents.

Compliance with some parts of the rules does not require any CRS reprogramming. For example, travel agents, who still sell most air transportation, are in a position to begin providing some of this information by complying with the oral disclosure portions of the rules that already apply to carriers. We have therefore tentatively decided to dispose of the requests for postponement by granting them only insofar as necessary—*i.e.*, by only postponing the effective date until March 15, 2000, for those parts of the rules with which carriers and ticket agents cannot fully comply until the CRSs have completed their reprogramming, as specified below. To this end, we are postponing the effective date of both rules until August 25, 1999, and giving interested parties fifteen days to submit comments on our tentative findings and the actions they contemplate. We will issue a final notice on or before August 25.

Accordingly, this document postpones the effective date of the Code-Sharing Rule, 14 CFR part 257, the Change-of-Gauge Rule, 14 CFR part 258, and the removal of 14 CFR 399.88, until August 25, 1999.

This document also invites comment on whether the effective date of certain parts of the rule should be further extended. In this regard, based on the petitions and public input received since parts 257 and 258 were adopted, the Department believes that the effective date of the following parts of the Code-Share Rule should not be further postponed:

- § 257.1 Purpose.
- § 257.2 Applicability.
- § 257.3 Definitions.
- § 257.4 Unfair and deceptive practice.
- § 257.5 Notice requirement.
  (b) Oral notice to prospective consumers, but only insofar as compliance with this section does not require reprogramming by CRSs.[8]
  (d) Advertising.

Similarly, the Department believes the effective date of the following parts of the Change-of-Gauge Rule should not be further postponed:

- § 258.1 Purpose.
- § 258.2 Applicability.
- § 258.3 Definitions.
- § 258.4 Unfair and deceptive practice.
- § 258.5 Notice requirement.
  (a) Notice in schedules.
  (b) Oral notice to prospective consumers.

However, if the Department views are not altered by the comments we are inviting here, the Department will take further action by August 25, 1999, to postpone the effective date of the following parts of the Code-Share Rule until March 15, 2000:

- § 257.5 Notice requirement.
  (a) Notice in schedules.
  (b) Oral notice to prospective consumers, except as specified in paragraph (1).
  (c) Written notice.[9]

Similarly, we would postpone the effective date of the following part of the Change-of-Gauge Rule until March 15, 2000:

- § 257.5 Notice requirement.
  (c) Written notice.

Finally, we believe that USTOA has shown good cause for the Department to refrain as a matter of discretion from enforcing both rules in their entirety against tour operators until six months after March 15, 2000.[10]

In closing, we strongly encourage the CRSs and other information systems to proceed with their reprogramming efforts with all possible expedition. Any affected parties that can comply with the rules before they become effective should do so. For example, while we are tentatively agreeing to postpone the effective date of both rules' written notice requirements, we are aware that some carriers and some travel agents are already disclosing much of the required information in the itineraries they provide to passengers, and we encourage all sellers of air transportation to do so who have the capability.

Regulatory Analyses and Notices

The Department has determined that this action is not an economically significant regulatory action under Executive Order 12866 or the Department's Regulatory Policies and Procedures, and it has not been reviewed by the Office of Management and Budget. This rule is significant under the Department's Regulatory Policies and Procedures because of congressional and public interest. The rule does not impose unfunded mandates or requirements that will have any effect on the quality of the human environment. A summary of the regulatory analyses of the rules whose effective date is being extended here was published at 64 FR 12850–12851 and 12859, March 15, 1999. Also published there were discussions of the rules' effects on small businesses and their Federalism and Paperwork Reduction Act implications. Apart for the Y2K implications recently brought to light and addressed above, the determinations made previously are not significantly affected by the limited extensions of the effective date made and proposed here.

Authority: 49 U.S.C. 41712.

Issued in Washington, DC on July 9, 1999, under authority delegated by 49 CFR 1.56a(h)2.

A. Bradley Mims,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 99–17963 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–62–P

[8] In other words, carriers, which are currently required to disclose code-share and change-of-gauge services in discussions with consumers, would be required as of August 25 to make these disclosures before booking transportation, and the same requirements would apply to travel agents. The new code-share and long-term wet-lease disclosures would not be required at this time.

[9] It is our understanding that carriers are already complying with those parts of the schedule notice requirement that go beyond 14 CFR 257.5(a) and the oral notice requirement imposes no new requirement on carriers.

[10] We tentatively find that imposing the same requirements on tour operators that those parts of the rules that are to take effect on August 25 will impose on travel agents would burden the tour operators excessively by forcing them to reprogram their front-end systems not once but twice.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in August 1999. Interest assumptions are also published on the PBGC's web site (http://www.pbgc.gov).

EFFECTIVE DATE: August 1, 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest

assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during August 1999.

For annuity benefits, the interest assumptions will be 6.30 percent for the first 20 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent an increase (from those in effect for July 1999) of 0.30 percent for the first 20 years following the valuation date and are otherwise unchanged. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. The lump sum interest assumptions represent an increase (from those in effect for June 1999) of 0.50 percent for the period during which a benefit is in pay status and are otherwise unchanged.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during August 1999, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 70 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, . . ., and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	*
August 1999	.0630	1–20	.0525	>20	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$ interest rate i_2 shall apply from the valuation date for a period of $y-n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y - n_1 - n_2$), interest rate i_3 shall apply from the valuation date for a period of $y-n_1-n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
70	08–1–99	09–1–99	5.00	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 8th day of July 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–18032 Filed 7–14–99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 210 and 216

RIN 1010–AC40

Electronic Reporting

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its regulations to require reporters to submit selected royalty and production reports electronically, to extend the due date for production reports filed electronically, and to eliminate the reporting of most wells that are in drilling status. This rulemaking provides electronic reporting exceptions for reporters who meet certain criteria. These amendments will reduce administrative costs and increase operating efficiencies for industry and MMS.

EFFECTIVE DATES: This final rule will be effective on November 1, 1999.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, MMS; telephone (303) 231–3432; fax (303) 231–3385; e-mail David.Guzy@mms.gov.

SUPPLEMENTARY INFORMATION: The principal authors of this rule are Mary Williams, Ralph Spencer, Barbara Lambert, Tim Allard, and Gail Solaas of the Royalty Management Program (RMP), MMS.

I. Background

MMS published a proposed rulemaking entitled ''Electronic Reporting'' on April 8, 1998 (63 FR 17133). The proposed rulemaking provided a 60-day public comment period which ended on June 8, 1998. We have analyzed the comments we received and amended our proposed rule to meet public concerns when prudent and necessary.

II. Comments on Proposed Rule

General Comments

Comment—One industry trade association commented that it does not believe MMS has a legal basis for requiring electronic reporting. The commenter stated that the proposed rule has only a vague reference to various mandates to use new technologies to improve programs. The commenter recommended MMS withdraw the proposed rule.

Response—Our authorities for issuing this rule are cited at the beginning of each part. One of the primary purposes of this rule is to comply with 44 U.S.C. 3506 which requires Federal agencies to carry out information management activities efficiently, effectively, and economically. The Secretary of the Interior can also prescribe necessary and proper rules and regulations to administer mineral leases in accordance with 30 U.S.C. 189 and 1701. We believe we have the legal authority to require electronic reporting; therefore, we have no reason to withdraw the rule.

Comment—One industry association commented that because the majority of lines are already reported to MMS electronically and MMS will be revising reporting formats in the near future, MMS should not mandate electronic reporting at this time. The commenter suggested that MMS use other methods to encourage electronic reporting.

Response—We agree with the commenter that a majority of our lines—80 percent of our royalty lines and 60 percent of our production lines—are reported electronically. However, the electronic lines are submitted primarily by very large companies and are a small number of our total reports. We continue to receive over 20,000 paper reports monthly, generally from small reporters. These paper reports must be manually keyed, filed, boxed, and stored until they can be destroyed in accordance with Federal record disposal requirements. These manual tasks are costly for the Government and taxpayers.

We also agree with the commenter that our royalty and production reports may be revised as a result of reengineering efforts that are currently ongoing. One of the most important reengineering proposals is to eliminate the Form MMS–3160, Report of Monthly Operations, within 2 years. Because we are proposing to eliminate the Form MMS-3160 in 2 years, we have decided to remove the requirement contained in § 210.20 of our proposed rule to report the Form MMS–3160 electronically. We are also eliminating all other references to mandatory electronic reporting of Form MMS–3160 in this final rulemaking.

The proposal to eliminate the Form MMS–3160 was published in the **Federal Register**, along with other production reporting changes, on February 23, 1999 (64 FR 8844). Most operators of onshore properties report production on Form MMS–3160, although they have the option of reporting on Form MMS–4054, Oil and Gas Operations Report. All offshore operators, however, must report their production on Form MMS–4054. Consequently, MMS and those operators having both onshore and offshore production must maintain and support two separate reporting systems—one for the Form MMS–3160 and one for the Form MMS–4054. We are proposing that operators use one form, a revised Form MMS–4054, to report both onshore and offshore production because we believe it is more efficient for MMS and industry.

With respect to the commenter's suggestion that MMS use other means to encourage electronic reporting, we have promoted electronic reporting for many years by offering various options other than this rule. However, we have numerous indicators—such as cost savings from less data to key manually, fewer reporting errors to correct, and less paper records to file and store—that show electronic reporting is more accurate, efficient, and economical than paper reporting. Companies reporting electronically also experience cost and time savings over paper reporting. Moreover, technology is currently available to easily expand the use of electronic reporting and reduce or eliminate paper reporting. This rulemaking enables us to take greater advantage of electronic reporting and storage technologies that will save time and money for both MMS and industry.

For all the reasons discussed above, we believe there is no justification for delaying the requirement for electronic reporting of Forms MMS–2014 and MMS–4054.

Comment—Two companies commented on the need to file paper reports for adjustments or adding lines after an electronic report is ready to send. One company stated they would have to build an elaborate reporting system costing tens of thousands of dollars. One company wanted a ''grandfather'' clause for adjustments prior to the implementation date.

Response—We currently receive manual adjusting reports from many companies who report most or all of their initial data electronically. Typically, these manual reports are facsimiles generated from a computer. Facsimile reporting indicates that the company is entering the data into a computer but is unable to convert these adjustments into an electronic format. In these cases, we suggest the company use one of our other electronic reporting options to convert these adjusting entries so they can be filed electronically. For example, many companies use a Microsoft Excel spreadsheet which can be easily converted to a Comma Separated Values format and sent via e-mail or diskette. We recognize that the electronic format for adjustments under this scenario

would be different from the format for the current month's report. However, MMS systems have the flexibility to accept different electronic formats for the same time period. We do not believe that this simple conversion would cost tens of thousands of dollars because the data is already compiled in a company's computer. For these reasons, we did not modify the final rule to ''grandfather'' adjustments for periods prior to the effective date.

Comment—One commenter was concerned with the statement in the background section that ''Reporters who use electronic reports experience few problems with converting or submitting their monthly reports.'' The company stated that they have experienced problems with generating the Electronic Data Interchange (EDI) transmission, with MMS receiving the transmission, and with sending large volumes of data. When these problems occurred, MMS required submission by tape. The company had also experienced an increase in the costs of reporting via EDI versus magnetic or cartridge tape.

Response—MMS was not aware of the problems this company encountered when generating a ''live'' EDI transmission. We usually discover and correct EDI transmission problems during sample testing and subsequent EDI files are generated without difficulties.

Regarding large volume transmissions, the Value Added Network (VAN) service provider MMS currently uses is unable to receive EDI transmissions containing file sizes larger than 10 megabytes. Although it is unusual to exceed this file size, the following solutions to this problem are available to reporters:

1. The reporter can ask MMS to assist in the creation of smaller reports for multiple EDI transmissions, which do not increase the reporter's cost;
2. The reporter can ask the VAN service provider to suggest unique solutions on an individual basis; and
3. Reporters can submit data in a magnetic tape format.

Regarding MMS's request that the reporter submit data by tape, we do not mandate a specific primary method of transmission. However, we strongly recommend that a reporter have a backup method available in case its primary method fails as apparently happened in this instance. MMS technical staff can assist reporters in resolving implementation problems with any method they choose.

We agree with the commenter that reporting via EDI has higher initial costs. In an effort to reduce VAN charges, we eliminated some reference data elements when we initially established the EDI format. However, both Government and industry benefit from standardized reporting inputs, improved data integrity, proven VAN reliability, and the enhanced confidentiality and security.

Specific Comments

Section 210.20(b)(2)(i)—now § 210.21(a)(2)(i)—One commenter requested additional information to determine if electronic reporting would be helpful. The commenter's questions are: Has the MMS improved the Monthly Report of Operations, Form MMS–3160, software? Does it now print single-page versions of the report? What do the printed Form MMS–2014 reports look like? Are the Form MMS–3160 and Form MMS–2014 reports integrated in any way? Can the templates be incorporated into our Lotus 1–2–3 worksheets?

Response—As noted earlier, we have removed the requirement that reporters submit the Form MMS–3160 electronically from this final rule. However, if reporters should voluntarily choose to submit the Form MMS–3160 electronically, we offer the following information.

MMS has not changed the Form MMS–3160 template software. This software prints the Form MMS–3160 on two pages as it always has. The printed Form MMS–2014 reports generated by our new 2014 template software mirrors the paper Form MMS-2014. The Forms MMS–2014 and MMS–3160 are not integrated in any way. Neither of these templates can be incorporated into any spreadsheet or database software applications. However, if reporters have stored their report data electronically, it is a relatively easy process to download the required information into either a Comma Separated Values (CSV) or ASCII format once you have the appropriate MMS-approved record layouts in your possession. You may find these record layouts on our Internet site at http://www.rmp.mms.gov, Customer Services, Publication Services, Forms.

Section 210.20(d)—now § 210.21(c)—One industry commenter wanted to know about the electronic reporting guidelines, getting samples approved, electronic commerce agreements and security measures. What are they? How cumbersome will they be to implement? How will we prove that our reports have been electronically filed on time? When the MMS sends out error notices with their accompanying bills for penalties, how do you prove what was submitted?

Response—To answer most of these questions, we have published our EDI Handbook, Template User Guide, and Floppy Diskette and Magnetic Tape Reporting instructions on our Internet site at http://www.rmp.mms.gov under Customer Services, Publication Services, Handbooks. We can also mail a paper copy of these guides to any company interested in converting to electronic reporting. The user guides provide detailed instructions on how to use the two template reporting options currently available to reporters. Additional reporting information can be found at http://www.rmp.mms.gov, see Customer Services, Publication Services, Forms, Electronic Commerce Information. Reporters may be particularly interested in the Electronic Commerce Brochure found at this last site. This 2-page document details all the electronic reporting options currently available at MMS.

MMS will approve a sample electronic report in 3 to 5 working days, depending upon the date during the month the sample is received. This process is a simple one in which MMS will notify a reporter that either the sample report is acceptable and approved for live processing, or that the sample report must be changed in one or more fields and re-submitted. Thereafter, each reporter submitting an electronic report will receive an electronic acknowledgment from MMS stating the date and time a report was received. Reporters can use this acknowledgment as proof that they submitted the report timely.

We maintain a record of each company's original report to support any bills for erroneous reporting. We will continue to contact any company whose lines are rejected and corrected within our Auditing and Financial System. Our error correction process will not change simply because we receive reports electronically.

With respect to security measures, we believe security is an integral part of electronic reporting. For example, reporters selecting the EDI reporting option must utilize a VAN to process their transmissions to MMS. VANs are private networks that provide confidentiality and security through user authentication, non-repudiation, and data encryption. For e-mail transmissions over the Internet, all users must register with RMP to establish themselves as an authorized reporter. MMS will not process data files submitted by reporters who have not registered. Additionally, e-mail files are compressed using PKZip software with a password for added security. This compression measure prevents others from seeing actual report data. Both the reporter and MMS must use the correct

PKZip password before actual data becomes available for processing.

With respect to the Electronic Commerce Agreement (ECA), the information about electronic reporting contained in an ECA is now contained in this rule. Also, as discussed above, the passwords used in electronic reporting will ensure the confidentiality of information formerly contained in the ECA. Thus, we decided to eliminate the ECA which was required under proposed § 210.20(d)(2). We want to make reporting electronically to MMS as simple and easy as possible.

Section 210.20(f)—now § 210.22(a)—One commenter is unclear on how much time payors will be given to make the appropriate system changes, have reports approved, sign electronic commerce agreements, etc. The 90 days allowed for a new reporter, as noted in this section, would appear inadequate for initial development and implementation.

Response—The 90-day timeframe (equivalent to 3 months) for new reporters assumes that most new reporters will be using an automated system to account for their production and sales or, at the very least, have a computer. We have two templates available upon request. One requires a 386 computer using Microsoft Windows 3.1 or better, while the other requires a 486 computer and Microsoft Windows 95. We have several other electronic reporting options available and are developing an Internet application for the near future.

The approval process is not time-consuming. For example, we try to use the sample electronic report as the actual report for the month submitted unless we encounter problems that we cannot resolve over the telephone. On average, a company can select one of the templates or any of our other electronic reporting options and receive approval within 30 days. As noted earlier, we have eliminated the requirement to file an ECA in an effort to simplify and speed the process.

Given the various reporting options that are available and the quick approval process, we believe 3 months are sufficient for a new reporter to begin electronic reporting. Current reporters submitting 6 lines or more will have until November 1, 1999—the effective date of this rule—to convert to electronic reporting. See § 210.20 and 210.22 for electronic reporting conversion dates and exceptions, respectively.

Section 210.20(g)—now eliminated—One commenter was concerned with occasional equipment/electrical failure and what MMS thinks is ''reasonable'' in terms of a fixed fee per report line for noncompliance. The commenter suggested MMS include a clause to cover exceptions for occasional equipment/electrical failure. Another commenter stated that the proposed rule is unclear about whether the provision for the fee applies only to new reporters or to current reporters who fail to comply. The commenter also questioned the need to assess a fee for noncompliance. Because MMS is already processing paper reports and this proposal will encourage reporters to switch to electronic reporting, the Government cost to process paper reports will decrease, rather than increase. Also, under RMP's reengineering initiative, the data entry burden should be further reduced.

Response—We have eliminated proposed § 210.20(g) which stated that we would assess a fee if a reporter did not convert to electronic reporting. We remind reporters, however, that they are subject to civil penalty procedures under 30 CFR part 241 if they fail to comply with any MMS regulation. These penalty procedures would pertain to reporters who do not comply with the scheduled conversion dates provided in § 210.20(a). In addition, we have extended the effective date of this rule from December 31, 1998 to November 1, 1999, to allow reporters sufficient time to convert to electronic reporting. Over the next few months, we will be working very hard to help reporters convert to electronic reporting as soon as possible.

Section 210.52—One commenter wanted clarification on the statement ''You must submit a completed Report of Sales and Royalty Remittance (Form MMS–2014) with all payments * * *.'' The commenter wants to know if reporters can submit the Form MMS–2014 electronically independent of the electronic payments.

Response—Yes, the Form MMS–2014 can be submitted electronically independent of the electronic payment. The payor assigned document number is used to link reports and payments. Many companies currently send electronic and paper reports and a single electronic payment. We allow reporters to send their electronic payment on the due date and their electronic reports a few days before the payment. These independent submissions provide flexibility to meet individual company needs.

Section 216.50(c)—One company commented that extending the due date for production reports by 10 days to the 25th of the second month following production will place them in jeopardy of meeting the Form MMS–2014 due date of the last day of the second month for making estimated royalty payments to MMS. The company reports and pays royalties for 12 clients. They recommend that we change the due date to a 5-day extension for production reports or extend the due date for the Form MMS–2014 by 5 days.

Response—The extended due date assists in reducing the number of amended production reports without impacting the timeliness of data we must process and send to States, tribes, and other Federal agencies. Because automated reports are entered into our computer system the same day they are received, they take less time to process than paper documents. We piloted the 10-day extension for 1 year and received no information indicating that companies were dependent upon the production report to complete the Form MMS–2014. Royalty is typically calculated using run tickets for liquids, meter readings for gas, and other documents that are provided by lease operators. We believe you should use the information on these documents to prepare the Form MMS–2014, not the production report. We cannot change the due date of the Form MMS–2014 and the associated royalty payment because of lease terms and requirements in the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1711 *et seq.* We must have the Form MMS–2014 in order to distribute royalty payments timely to the proper Federal, State, and Indian recipients. MMS will continue the 10-day extension of the production reporting due date not only as an incentive for electronic reporting but also to reduce the number of amended reports.

III. Section-by-Section Analysis

The following paragraphs summarize the most significant changes we made to our proposed rule that was published on April 8, 1998 (63 FR 17133):

Section 210.20

We eliminated the requirement to file the Form MMS–3160 electronically.

Section 210.20(a)

We added a timetable to § 210.20(a) which phases small reporters into electronic reporting over the next 2¼ years. We added the timetable in order to: (1) Minimize the impacts, if any, on small businesses; and (2) give small businesses time to make any operational changes necessary to comply with our electronic reporting requirements. In addition to the table, we added a new paragraph (b) to clarify what we mean by ''line'' and a new paragraph (c) to clarify what we mean by ''form''

because both terms are referred to in the timetable in paragraph (a). For purposes of this part, multiple submissions of the same form in one month equals one form. For example, if you submitted 10 Form MMS–4054's containing 3 lines each, MMS would consider that to be one form with 30 lines.

Section 210.20(b)

We moved proposed § 210.20(b) to new § 210.21(a) for clarity purposes.

Section 210.20(c)

We moved proposed § 210.20(c) to new § 210.21(b) and added the phrase ''or by accessing our Internet site at www.rmp.mms.gov'' to provide reporters with an additional source for our electronic commerce brochure.

Section 210.20(d)

We moved proposed § 210.20(d) to new § 210.21(c) and deleted § 210.20(d)(2) which required reporters to submit an Electronic Commerce Agreement.

Section 210.20(e)

We combined the provisions in this proposed § 210.20(e) with new § 210.21(c) for further clarification.

Section 210.20(f)

We removed proposed § 210.20(f) and included the 3-month grace period for new reporters in new § 210.22(a).

Section 210.20(g)

We deleted this proposed § 210.20(g) which stated that we would assess a fee if a reporter did not convert to electronic reporting. For further information, see our response to public comments under § 210.20(g).

New § 210.22

We added new § 210.22 which provides two grace periods and two exclusions to our electronic reporting requirements.

- The first grace period MMS will allow is if you become a new MMS reporter after any of the required conversion dates. In such cases, MMS will allow you 3 months from the day your first report is due to begin reporting electronically (this grace period was originally contained in proposed § 210.20(f) and defined as 90 days). For example, if you become an MMS reporter by leasing 6 new producing properties (equivalent to 6 lines) on April 16, 2000, your first Form MMS–2014 for April 2000 sales will be due May 31, 2000. You will have 3 months—or until August 31, 2000—to begin submitting the Form MMS–2014 electronically. MMS will continue to accept paper forms during the grace period.
- The second grace period is for when you exceed the maximum number of lines you are allowed to report on paper under § 210.20(a). In that case, you have 3 months from the last day of the month in which you exceeded the line limit to begin reporting electronically. For example, assume that you currently report 5 lines per month on your Form MMS–2014. On June 8, 2000 (7 months after the 6-line conversion date of November 1, 1999), you lease two new producing properties (equivalent to 2 new lines per month). You will have 3 months from the last day of the month in which you exceeded the 6-line limit—or until September 30, 2000—to begin submitting the Form MMS–2014 electronically. MMS will continue to accept paper forms during the grace period.

The two exceptions to our electronic reporting requirements provided in § 210.22 are as follows:

- You do not have to report electronically if you report only rent, minimum royalty, or other annual obligations on the Form MMS–2014; and
- You do not have to report electronically if you are a small business as defined by the U.S. Small Business Administration, and you have no computer, no resources to purchase a computer or contract with an electronic reporting service, nor access to a computer at a local library or other public facility.

The two exceptions to our electronic reporting requirements which we added to this final rule are directed primarily at small reporters who might suffer financial hardship if forced to comply with this rule. For a detailed explanation of these exceptions, see our discussion of small business issues under the Regulatory Flexibility Act section of the preamble in caption IV. Procedural Matters.

Section 216.50(a)

We added a sentence to this paragraph to clarify that you may submit the Form MMS–3160 electronically.

Section 216.50(c)(1) and (2)

We clarified that you will have a 10-day extension from the 15th to the 25th day of the second month following the month for which you are reporting if you voluntarily choose to submit the Form MMS–3160, Monthly Report of Operations, electronically.

Section 216.53(c)(1) and (2)

We clarified that you will have a 10-day extension from the 15th to the 25th day of the second month following the month for which you are reporting if you submit the Form MMS–4054, Oil and Gas Operations Report, electronically.

Section 216.55(c)(1) and (2)

We clarified that you will have a 10-day extension from the 15th to the 25th day of the second month following the month for which you are reporting to submit your Form MMS–4056, Gas Plant Operations Report, on paper if you submit the Form MMS–4054, Oil and Gas Operations Report, electronically.

Section 216.56(c)(1) and (2)

We clarified that you will have a 10-day extension from the 15th to the 25th day of the second month following the month for which you are reporting to submit your Form MMS–4058, Production Allocation Schedule Report, on paper if you submit the Form MMS–4054, Oil and Gas Operations Report, electronically.

IV. Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under E.O. 12866. Generally, this rule will require many Federal and Indian mineral revenue and production reporters to convert from paper to electronic reporting by November 1, 2001. MMS uses the reports to account for and distribute Federal and Indian mineral revenues. This rule will not affect the timeliness of revenue distribution to recipients or information dissemination to other Federal agencies. Based on this and other information detailed below, we conclude:

(1) This rule will not have an effect of $100 million or more on the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Governments

This rule will have no effect on tribal governments but will have positive effects on the amount of revenues shared with States and possibly local governments. We expect net receipts sharing costs to States—that is, the MMS operating costs deducted from States' shares of royalty revenue—to decrease as MMS realizes savings from electronic reporting. We estimate the total annual savings to States to be

$33,000 in the first year and $134,000 each year thereafter.

Private Sector

(1) This rule establishes the type of media that reporters in the oil and gas industry must use to report mineral revenues and production to MMS. We estimate that electronic reporting will generate net savings to industry of $1.2 million in the first year and $1.8 million each year thereafter;

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; and

(4) This rule does not raise novel legal or policy issues.

Regulatory Flexibility Act

In our April 8, 1998, proposed rule (63 FR 17133), we concluded that the rule would not have a significant economic impact on small businesses primarily because of the various low-cost electronic reporting options available to reporters. We received several public comments that disagreed with our conclusion. In response to those comments, we modified the rule substantially to minimize the negative impact on the largest number of small businesses and still increase the number of reports received electronically.

Comments Received on Small Business Impact

One industry trade group and three companies disagreed with our conclusion that the impact of requiring electronic reporting for small reporters would not be significant. They were concerned that: (1) MMS was shifting data entry costs to the small reporters; (2) many companies do not have a computer and cannot afford to buy one or pay someone else to report electronically for them; and (3) this rule would require a significant change in the way their business is conducted.

Additionally, the industry trade group disputed our conclusion that reporting electronically will reduce the reporting burden for companies who report only a few lines each month. The trade group believes it will be a costly, time-consuming burden to convert to electronic reporting. The industry trade group is concerned that MMS permits no exception to the proposed rule, especially for small lessees who are trying to produce from marginal wells in a time of extremely low prices.

The industry trade group and one company recommended that we establish a reasonable threshold by number of lines or royalties paid per year. The industry trade group also recommended that MMS establish a means by which reporters could request an exemption to the rule based on various circumstances or hardships. One company also recommended that, for the few non-electronic reporters remaining, MMS reduce the reporting burden for both MMS and the reporter by developing an abbreviated paper report.

MMS Response to Comments

It is not our intent to cause economic hardship for any small business by requiring electronic reporting. We devoted substantial time and effort to identify the possible negative economic impacts of this rule on small businesses and to take steps to eliminate or lessen adverse impacts whenever possible. The following are examples of the many actions we took to mitigate negative economic impacts and still increase the number of reports submitted electronically:

- *Free software.* We developed template software (see response to § 210.20(b)(2)(i) under specific comments) primarily for those small companies that report only a few lines each month. We provide this software at no charge to reporters. If a company should choose to purchase a computer to use the software, the minimum software requirements permit the company to purchase a very inexpensive model.

The template software is easy to install, requires no programming or computer expertise, and provides companies with the static or reference data that must be reported each month. This software also permits companies to save the report to a file which they can use to amend their report later, if necessary.

This software has significant benefits for both MMS and industry. It could ultimately allow us to cease printing and mailing over 4,000 model paper reports each month. The model contains the static or reference data contained in our system for each reporter. This process is very costly to MMS and, in many cases, companies are not using the model to report but only as a reference. The model report is also cumbersome to industry because each company must wait for the model to be received, complete the model with the current month's data, make copies, and mail the report back to MMS. With electronic reporting, companies can complete the report anytime during the month and easily amend prior reports if necessary;

- *Internet filing.* We are also developing an Internet application that will permit small companies that do not have computers to submit reports from remote locations, such as public libraries, without purchasing a computer. We anticipate this alternative to be available before the effective date of this rule. This alternative will eliminate the need to purchase a computer;
- *Advice and assistance.* We offer advice and assistance to the hundreds of small companies that currently use a computer-generated paper facsimile to report each month to help them transition to electronic reporting. Our goal is to eliminate as much data entry as possible for both the companies and MMS. For example, a company may enter data in its automated system and possibly again on its facsimile reports. Subsequently, MMS must manually enter the data from the paper copy into our system. Electronic reporting will eliminate these two stages of manual data entry without shifting costs. One of the commenting companies uses Lotus 1–2–3 for its accounting functions. The Lotus spreadsheet can be converted to an ASCII format (based upon an ASCII record layout we provide) and sent to MMS via e-mail or diskette. While Lotus does not offer a direct file conversion to a Comma Separated Values (CSV) format, a user can compose a macro that saves Lotus files in a CSV format. We will provide any reporter with a CSV and/or ASCII record layout for both production and royalty reports upon request;
- *Elimination of the requirement to file the Form MMS–3160, Monthly Report of Operations, electronically.* As part of our reengineering efforts, MMS is proposing to eliminate the Form MMS–3160 and replace it with a revised Form MMS–4054. Consequently, we determined that it would not be cost effective to require reporters to convert to electronic reporting of the Form MMS–3160 at this time;
- *Phased compliance over 2¼ years.* In § 210.20(a), we established a timetable that phases the smallest reporters into electronic reporting over 2¼ years. These extended compliance dates will allow additional time for small businesses to obtain computer equipment or contract with an electronic reporting service to comply with our electronic reporting requirements; and
- *Exceptions to electronic reporting.* In response to public comments, MMS will allow some exceptions to the electronic reporting requirements in this final rule. The exceptions at § 210.22 are directed primarily at small reporters

who might suffer financial hardship if forced to comply with this rule. The two exceptions to electronic reporting are as follows:

(1) *You do not have to report electronically if you report only rent, minimum royalty, or other annual obligations on the Form MMS–2014.* This category covers reporters who submit one line per lease per year for any number of leases. We determined that it would not be economically feasible for a reporter to develop an electronic reporting method for this very limited reporting situation; and

(2) *You do not have to report electronically if you are a small business as defined by the U.S. Small Business Administration, and you have no computer, no resources to purchase a computer or contract with an electronic reporting service, nor access to a computer at a local library or other public facility.* This exception will allow any small business facing severe financial hardship to continue submitting paper reports rather than convert to electronic reporting. Excluding these small payors and reporters from electronic reporting requirements will avoid causing undue financial hardship for the smallest companies.

We did not choose to develop an abbreviated paper report in addition to the current forms as one commenter suggested because this action would not further our goal to eliminate paper reporting. One of the significant advantages of electronic reporting is that a company can store and submit only those data elements that are required for its operation. Maintaining two different reporting forms or data collection instruments is duplicative and confusing for MMS and reporters. In addition, MMS is in the process of reengineering our systems and attempting to reduce or modify the data elements currently required. However, we probably will not complete this effort for several years.

Conclusion. Based on the numerous mitigating actions we have taken in response to public comments, the Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will have no effect on tribal governments or other small governmental jurisdictions.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions in this rule, call 1–888–734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more. Net revenues distributed to States may increase $33,000 in the first year and $134,000 each year thereafter due to cost savings realized by MMS through increased electronic reporting. Net savings to industry from converting to electronic reporting is estimated to be $1.2 million in the first year and $1.8 million each year thereafter.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. See discussion under Regulatory Flexibility Act.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. See discussion under Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Governments. This rule does not affect local or tribal governments. States that request to perform the delegable function of processing royalty and production reports under 30 CFR part 227 are required to accept multiple forms of electronic media from reporters as specified by MMS. States are compensated for the costs of performing delegable functions up to the amount it would reasonably cost MMS to perform the same function. We conclude that this rule would not impose an unfunded mandate on States.

Private sector. This rule establishes the type of media that reporters in the oil and gas industry must use to report mineral revenues and production to MMS. We estimate net savings to industry from converting to electronic reporting to be $1.2 million in the first year and $1.8 million each year thereafter.

Takings (E.O. 12630)

In accordance with E.O. 12630, this rule does not have significant takings implications. This rule does not impose conditions or limitations on the use of any private property; consequently, a takings implication assessment is not required.

Federalism (E.O. 12612)

In accordance with Executive Order 12612, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule does not impose any requirements on oil and gas reports submitted to States or limit State policymaking discretion in any way; consequently, a Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

In our April 8, 1998, proposed rule (63 FR 17133), we stated that this rule will reduce burden hours associated with two existing information collections approved by the Office of Management and Budget (OMB):

(1) OMB Control Number 1010–0022, Report of Sales and Royalty Remittance (Form MMS–2014); and

(2) OMB Control Number 1010–0040, Production Accounting and Auditing System (PAAS) Reports (Facility and Measurement Information Form (FMIF), Form MMS–4051; Oil and Gas Operations Report (OGOR), Form MMS–4054; Gas Analysis Report (GAR), Form MMS–4055; Gas Plant Operations Report (GPOR), Form MMS–4056; Monthly Report of Operations (MRO), Form MMS–3160; and Production Allocation Schedule Report (PASR), Form MMS–4058)].

One industry commenter believes that if a free-form layout is allowed using existing spreadsheet software (for example, Microsoft Excel), it would take closer to the 7 minutes per line to complete the Form MMS–2014 (similar to the paper submission) versus 2 minutes for electronic reporting. The commenter believes the 2 minutes per line, the burden estimate we used in our OMB submission, could only be realized

if such data were systematically loaded on the spreadsheet. The commenter is currently submitting his adjustments on paper.

Our estimate of 2 minutes per line is based on the assumption that a company is already using spreadsheet software or other automated options to submit its Form MMS–2014 or similar State reports. We also offer electronic alternatives to facilitate compatibility with a company's system, including submission of ASCII files on diskette or submission of regular reports on magnetic tape with adjustments on a diskette. We will work with any company to determine the simplest, most efficient alternative for reporting electronically.

On May 30, 1998, OMB approved the reduction in burden which we estimated in the proposed rule for both of the above-referenced information collections (OMB Control Numbers 1010–0022 and 1010–0040). Both collections have an expiration date of August 31, 2001.

As part of our continuing effort to reduce paperwork and respondent burden, we invite the public and other Federal agencies to comment on any aspect of the reporting burdens associated with these information collections. Submit your comments to the Office of Information and Regulatory Affairs, OMB, Attention Desk Officer for the Department of the Interior, Washington, D.C. 20503. Send copies of your comments to Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; courier address is Building 85, Denver Federal Center, Denver, Colorado 80225; e-mail address is RMP.comments@mms.gov.

The Paperwork Reduction Act of 1995 provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act of 1969

This rule does not constitute a major Federal Action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

List of Subjects

30 CFR part 210

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR part 216

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: June 30, 1999.

Sylvia V. Baca,

Acting Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, MMS amends 30 CFR parts 210 and 216 as follows:

PART 210—FORMS AND REPORTS

1. The authority citation for part 210 is revised to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

2. Section 210.10 paragraphs (c)(1), (c)(2), (c)(7), and (d) are revised to read as follows:

§ 210.10 Information collection.

* * * * *

(c) * * *

(1) *MMS–2014*—Used monthly to report lease-related transactions essential for royalty management to determine the correct royalty amount due, reconcile or audit data, and distribute payments to appropriate accounts. Public reporting burden for paper submission is estimated to average 7 minutes to complete each line item on the form, including the time necessary to assemble data, calculate value and royalty, and enter data on the form. Companies reporting electronically may average 2 minutes to complete each line item on the form. Comments submitted relative to this information collection should reference the information collection titled Report of Sales and Royalty Remittance, OMB Control Number 1010–0022.

(2) *MMS–3160*—Used by onshore oil and gas lease operators to report monthly oil and gas production to MMS. Public reporting burden for paper submission is estimated to average 15 minutes per form, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 7.5 minutes per month to complete the form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010–0040.

* * * * *

(7) *MMS–4054*—This three-part form identifies all oil and gas lease production from Federal and Indian lands. MMS uses information from this form to track oil and gas from the point of production to the point of first sale or other disposition. Respondents will generally not use all three parts of the form. Public reporting burden for paper submission is estimated to average 30 minutes per month, including the time necessary to assemble data, ensure that production and disposition numbers are accurate, and enter data on the form. Companies reporting electronically may average 15 minutes per month to complete the form. Comments submitted relative to this information collection should reference the information collection titled PAAS Oil and Gas Reports, OMB Control Number 1010–0040.

* * * * *

(d) *Comments on burden estimates.* Send comments on the accuracy of this burden estimate or suggestions on reducing this burden to the Information Collection Clearance Officer, MS 4230, MMS, 1849 C Street, NW, Washington, DC 20240 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the U.S. Department of the Interior, OMB Control Number 1010–_____ (insert appropriate OMB Control Number), Washington, DC 20503. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

3. Sections 210.20–210.22 are added to subpart A to read as follows:

§ 210.20 When is electronic reporting required?

(a) You must submit Forms MMS–2014 and MMS–4054 to MMS electronically. You must begin reporting electronically according to the following timetable unless you qualify for the exceptions to electronic reporting listed in § 210.22:

If you report the following number of lines each month on a required form . . .	Then, you must submit that form electronically beginning . . .
(1) 6 or more	November 1, 1999.
(2) 4–5	November 1, 2000.
(3) 1–3	November 1, 2001.

(b) See § 218.40(c) for the definition of a royalty report line on Form MMS–2014 and § 216.40(c) for the definition

of a production report line on Form MMS–4054; and

(c) For purposes of this part, multiple submissions of the same form in one month equals one form.

§ 210.21 How do you report electronically?

(a) You may use any of the following electronic media types, unless MMS instructs you differently:

(1) Electronic Data Interchange (EDI) [1]—The inter-organizational, computer-to-computer exchange of structured information in a standard, machine-processable format;

(2) Electronic Mail (e-mail) [1]—Any communication service used to electronically transmit and store messages and attach files. MMS has three electronic file options:

(i) Template—MMS-provided software that generates blank forms on a personal computer to assist companies in preparing MMS regulatory reports (this option is not available for Form MMS–4054);

(ii) Comma Separated Values (CSV)—A file format where attribute fields are separated by commas; and

(iii) American Standard Code for Information Interchange (ASCII)—A file format of fixed-length records with fixed-length attribute fields;

(3) Reporter-Prepared Diskette (3½ inch)—A data storage medium used to transmit report data using one of the following file formats:

(i) Template;

(ii) CSV; and

(iii) ASCII;

(4) Magnetic or Cartridge Tape—A data storage medium used to transmit report data in an ASCII file format.

(b) MMS prefers that you use the media types in the order presented in paragraph (a) of this section to the extent it is cost effective and practical. As technology changes, MMS will consider other media types and the order of MMS preference may change. Refer to our electronic commerce brochure for the most current reporting options. You can receive a copy of our brochure by calling your MMS representative or by accessing our Internet site at www.rmp.mms.gov.

(c) Before you may begin reporting electronically:

(1) You must submit an electronic sample of your report for MMS approval using the MMS-supplied electronic reporting guidelines;

(2) MMS must notify you that your sample report has been approved;

(3) MMS must assign you a sender identification number and security code for any EDI transmissions; and

(4) MMS must assign you an originating address and compression software password for any e-mail transmissions.

§ 210.22 What are the exceptions to the electronic reporting requirements?

MMS will allow the following grace periods and exceptions to the electronic reporting requirements in § 210.20:

(a) If you become a new MMS reporter after any of the dates you are required to submit electronic reports under § 210.20(a), you have 3 months from the day your first report is due to begin reporting electronically;

(b) If you exceed the maximum number of lines you are allowed to report on paper under § 210.20(a), you have 3 months from the last day of the month in which you exceeded the line limit to begin reporting electronically;

(c) You are not required to report electronically if you report only rent, minimum royalty, or other annual obligations on the Form MMS–2014; and

(d) You are not required to report electronically if you are a small business as defined by the U.S. Small Business Administration, and you have no computer, no resources to purchase a computer or contract with an electronic reporting service, nor access to a computer at a local library or other public facility.

4. Section 210.52 is revised to read as follows:

§ 210.52 Report of sales and royalty remittance.

(a) You must submit a completed Form MMS–2014 (Report of Sales and Royalty Remittance) to MMS with:

(1) All royalty payments; and,

(2) Rents on nonproducing leases, where specified.

(b) When you submit Form MMS–2014 data electronically, you must not submit the form itself.

(c) Completed Forms MMS–2014 for royalty payments are due by the end of the month following the production month.

(d) Where applicable, completed Forms MMS–2014 for rental payments are due no later than the anniversary date of the lease.

(e) This section does not prohibit you from making early payments voluntarily.

PART 216—PRODUCTION ACCOUNTING

5. The authority citation for part 216 is revised to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

Subpart A—General Provisions

6. Add § 216.11 to subpart A to read as follows:

§ 216.11 Electronic reporting.

You must submit your Oil and Gas Operations Report, Form MMS–4054, in accordance with electronic reporting requirements in 30 CFR part 210.

Subpart B—Oil and Gas, General

7. Section 216.50 is added by redesignating paragraphs (b) through (d) as paragraphs (f) through (h), revising paragraph (a), and adding new paragraphs (b) through (e) to read as follows:

§ 216.50 Monthly report of operations.

(a) You must submit a Monthly Report of Operations, Form MMS–3160, if you operate either an onshore Federal or Indian lease or an onshore federally-approved agreement that contains one or more wells that are not permanently plugged and abandoned. You may submit Form MMS–3160 electronically.

(b) You must submit a Form MMS–3160 for each well for each calendar month, beginning with the month in which you complete drilling, unless you have only test production from a drilling well or MMS tells you in writing to do otherwise.

(c) MMS must receive your completed Form MMS–3160 according to the following table:

If you submit your form . . .	We must receive it by . . .
(1) Electronically	The 25th day of the second month following the month for which you are reporting.
(2) Other than electronically.	The 15th day of the second month following the month for which you are reporting.

(d) You must continue reporting until either:

(1) BLM approves all wells as permanently plugged or abandoned and you dispose of all inventory; or

(2) The lease or agreement is terminated.

(e) You are not required to submit Form MMS–3160 if:

(1) You are authorized to submit an Oil and Gas Operations Report, Form MMS–4054, instead of a Form MMS–3160; or

[1] MMS has developed security measures, authentication procedures, and automated acknowledgments for this electronic media type.

(2) You operate a gas storage agreement. You must report gas storage agreements to the appropriate BLM office.

* * * * *

8. Section 216.53 is revised to read as follows:

§ 216.53 Oil and gas operations report.

(a) You must file an Oil and Gas Operations Report, Form MMS–4054, if you operate one of the following that contains one or more wells that are not permanently plugged or abandoned:

(1) An OCS lease or federally-approved agreement; or

(2) An onshore Federal or Indian lease or federally-approved agreement for which you elected to report on a Form MMS–4054 instead of a Form MMS–3160.

(b) You must submit a Form MMS–4054 for each well for each calendar month, beginning with the month in which you complete drilling, unless you have only test production from a drilling well or MMS tells you in writing to do otherwise.

(c) MMS must receive your completed Form MMS–4054 according to the following table:

If you submit your form . . .	We must receive it by . . .
(1) Electronically	The 25th day of the second month following the month for which you are reporting.
(2) Other than electronically.	The 15th day of the second month following the month for which you are reporting.

(d) You must continue reporting until either:

(1) BLM or MMS approves all wells as permanently plugged or abandoned and you dispose of all inventory; or

(2) The lease or agreement is terminated.

9. Section 216.55 is revised to read as follows:

§ 216.55 Gas plant operations report.

(a) You must submit a Gas Plant Operations Report, Form MMS–4056, if you operate either:

(1) A gas plant that processes gas originating from an OCS lease or federally-approved agreement before the point of final royalty determination; or

(2) A gas plant that processes gas from an onshore Federal or Indian lease or federally-approved agreement before the point of final royalty determination, and MMS has asked you to submit a Form MMS–4056.

(b) You must submit a Form MMS–4056 for each calendar month beginning with the month gas processing is initiated.

(c) MMS must receive your completed Form MMS–4056 according to the following table:

If you submit your Form MMS–4054 . . .	We must receive your Form MMS–4056 by . . .
(1) Electronically	The 25th day of the second month following the month for which you are reporting.
(2) Other than electronically.	The 15th day of the second month following the month for which you are reporting.

(d) Your report must show 100 percent of the gas.

(e) You are not required to file a Form MMS–4056 if:

(1) Your plant has not processed gas that originated from a Federal onshore, OCS, or Indian lease, or federally-approved agreement before the point of final royalty determination for 6 months; and

(2) You notified MMS in writing within 30 days after the end of the 6-month period.

(f) You must file a Form MMS–4056 when your plant resumes processing gas that originated from a Federal onshore, OCS, or Indian lease, or federally-approved agreement before the point of final royalty determination.

10. Section 216.56 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 216.56 Production allocation schedule report.

* * * * *

(b) You must submit a Production Allocation Schedule Report, Form MMS–4058, for each calendar month beginning with the month in which you first handle production covered by this section.

(c) MMS must receive your Form MMS–4058 according to the following table:

If you submit your Form MMS–4054 . . .	We must receive your Form MMS–4058 by . . .
(1) Electronically	The 25th day of the second month following the month for which you are reporting.
(2) Other than electronically.	The 15th day of the second month following the month for which you are reporting.

[FR Doc. 99–18005 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 306

General Regulations Governing U.S. Securities

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: We're publishing a final rule to eliminate the reissuance of bearer securities and to eliminate provisions relating to the handling of definitive securities by Federal Reserve Banks.

DATES: Effective July 15, 1999.

ADDRESSES: You can download this final rule at the following World Wide Web address: <http://www.publicdebt.treas.gov>. You may also inspect and copy this final rule at: Treasury Department Library, Freedom of Information Act (FOIA) Collection, Room 5030, Main Treasury Building, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

Before visiting, you must call (202) 622–0990 for an appointment.

FOR FURTHER INFORMATION CONTACT:

• Maureen Parker, Director, Division of Securities Systems, Office of Securities and Accounting Services, Bureau of the Public Debt, at (304) 480–7761 or <mparker@bpd.treas.gov>.

• Susan J. Klimas, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–3688 or <sklimas@bpd.treas.gov>.

• Edward C. Gronseth, Deputy Chief Counsel, Bureau of the Public Debt, at (304)480–5192 or <egronset@bpd.treas.gov>.

SUPPLEMENTARY INFORMATION: This rule eliminates the reissue of bearer securities. We have removed language referring to the reissue of bearer securities in various sections of part 306. We have added specific language:

• to § 306.17 to eliminate the reissue of registered securities into bearer form;

• To § 306.19 to eliminate denominational exchange of bearer securities; and

• To § 306.117 to eliminate the conversion of securities from book-entry form into bearer form.

We stopped offering bearer securities on original issue after December 31, 1982, in response to the Tax Equity and Fiscal Responsibility Act (TEFRA), which prohibited the original issuance of bearer certificates after 1982. TEFRA was designed, in large part, to improve compliance with tax laws and to reduce the opportunity for illegal activities associated with bearer securities. However, we have continued to reissue bearer securities for denominational exchange, for the exchange of registered securities into bearer form, and for the conversion of certain book-entry securities into bearer form.

The number of securities in physical form and related transactions have decreased significantly over the past few years. However, the per transaction costs have increased substantially due to relatively fixed overhead costs. There are currently 17 bond issues remaining that can be held in bearer form. In 1989, we reissued approximately 4,900 bearer certificates; by 1998, we reissued only 66 certificates, for the benefit of only three investors. We reissued 56 of the certificates to two investors who have repeatedly requested bearer certificates over the past several years. Although we reissue only a minimal number of bearer certificates each year, we continue to incur the expense of maintaining an inventory of unissued bearer stock. Clearly, the elimination of bearer reissues impacts only a minimal number of investors. We have conducted a very expensive operation for a few customers a year.

A United States security is a contract between the owner and the United States. The terms of the contract consist of the authorizing statutes, regulations, and applicable circulars. Therefore, any change to the regulations is a change to the terms of the contract. Section 306.127 provides that existing rights that holders of securities have acquired under the regulations may not be limited or restricted. Section 306.128 provides that amendments may be made to the regulations with respect to securities. Thus, the existing contract contemplates that changes can be made to the regulations.

We believe that our core obligations are to make payment on the security on the date due, and to pay interest when due. We are clearly not attempting to avoid these fundamental obligations by eliminating bearer reissuance. The proposed changes are not fundamental, as the liability of the parties is not changed as a result. The owner of a bearer certificate may continue to hold the bearer certificate until maturity and collect interest on the security. The owner of a definitive security wanting reissue into bearer form will have other options available. Both bearer and registered owners who desire an engraved paper certificate can have a security reissued in registered form. Bearer and registered securities can also be converted to book-entry form in TRADES or *TreasuryDirect*. An eligible security withdrawn from TRADES or *TreasuryDirect* may be reissued in registered form.

We have concluded that the elimination of bearer reissues is the type of change that is permissible to make. The elimination of bearer reissues, while not mandated by TEFRA, is consistent with the Congressional intent in its enactment. Given the cost-effectiveness of this new way of doing business and the available alternatives to continue to obtain securities in certificate form, we believe we are justified in making this change.

We have also eliminated any mention of the handling of definitive securities by Federal Reserve Banks. This operation will be consolidated and handled solely by Public Debt at its Parkersburg, WV office for reasons of economy. In addition, § 306.28 has been deleted, since Treasury bonds eligible for payment of estate taxes (so-called Flower Bonds) are no longer offered and the last eligible issue has reached maturity.

While we have written the preamble in plain language, we did not write this rule in plain language, because we are in the process of rewriting part 306 in its entirety to conform to plain language requirements. We welcome any comments or suggestions relating to our plain language rewrite of part 306.

Procedural Requirements

This final rule does not meet the criteria for a ''significant regulatory action,'' as defined in Executive Order 12866. Therefore, the regulatory review procedures contained therein do not apply.

This final rule relates to matters of public contract and procedures for United States securities. The notice and public procedures and delayed effective date requirements of the Administrative Procedure Act are inapplicable pursuant to 5 U.S.C. 553(a)(2).

As no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) does not apply.

We ask for no new collections of information in this final rule. Therefore, the Paperwork Reduction Act (44 U.S.C. 3507) does not apply.

List of Subjects in 31 CFR part 306

Bonds, Government Securities, Federal Reserve System, Securities.

For the reasons set forth in the preamble, 31 CFR part 306 is amended as follows:

PART 306—REGULATIONS GOVERNING U.S. SECURITIES

1. The authority citation for part 306 continues to read as follows:

Authority: 31 U.S.C. chapter 31; 5 U.S.C. 301; and 12 U.S.C. 391.

2. Revise § 306.1 to read as follows:

§ 306.1 Official agencies.

The Bureau of the Public Debt of the Department of the Treasury is charged with matters relating to transactions in securities. Correspondence concerning transactions in securities and requests for appropriate forms may be addressed to the Division of Customer Service, Parkersburg, WV 26102.

3. Amend § 306.2 by revising paragraph (c) to read as follows:

§ 306.2 Definitions of words and terms as used in these regulations.

* * * * *

(c) Bureau refers to the Bureau of the Public Debt, Division of Customer Service, Parkersburg, WV 26102.

* * * * *

4. Revise § 306.3 to read as follows:

§ 306.3 Transportation charges and risks in the shipment of securities.

The following guidelines apply to the transportation of reissued securities or securities presented for authorized transactions:

(a) The securities may be presented in person by the owner or the owner's agent.

(b) If securities are not presented in person, shipment of the securities is at the owner's risk and expense.

(c) Reissued securities will be delivered by certified mail or by other means, at the risk of the registered owner and at the expense of the Department.

§ 306.12 [Amended]

5. Amend § 306.12 by removing the comma after the word ''Bureau'', and by removing the words ''a Federal Reserve bank or branch''.

6. Amend § 306.15 as follows:

a. Revise paragraph (a) to read as set forth below.

b. Amend the fourth sentence of paragraph (b) by removing the words ''or exchange for coupon securities''.

c. Amend the fifth sentence of paragraph (b) by removing the words ''or exchange for bearer securities''.

d. Revise paragraph (b)(2) to read as set forth below.

§ 306.15 Transfers and exchanges of securities—closed periods.

(a) *General.* The transfer of registered securities should be made by assignment in accordance with subpart F of this part. Transferable registered securities are eligible for denominational exchange. Specific instructions for issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. (Form PD 3905 or PD 1827, as appropriate, may be used.) Denominational exchanges may be made at any time. Securities presented for transfer must be received by the Bureau not less than 1 full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity. Any security so presented which is received too late to comply with this provision will be accepted for payment only.

* * * * *

(2) Payment of principal will be made to the assignee under a proper assignment of the securities.

7. Revise § 306.17 to read as follows:

§ 306.17 Exchanges of registered securities for coupon securities.

Exchanges of registered securities for bearer securities are not permitted.

8. Revise § 306.19 to read as follows:

§ 306.19 Denominational exchanges of coupon securities.

Denominational exchanges of bearer securities are not permitted.

9. Amend § 306.23 as follows:

a. Revise paragraph (c) to read as set forth below.

b. Amend paragraph (g) in the heading by removing the word ''definitive'' and adding in its place the word ''registered'', and by removing the words ''or bearer'' in the second sentence.

§ 306.23 Securities eligible to be held in the TreasuryDirect Book-entry Securities System.

* * * * *

(c) *Procedure for conversion of bearer security.* To convert a bearer security to TREASURY DIRECT, the owner must present it to the Department of the Treasury, accompanied by a request for conversion, which must include the information needed for establishing a *TREASURY DIRECT* account, unless such account has been previously established, and is identified by its number in the request.

* * * * *

§ 306.24 [Amended]

10. Amend § 306.24 by removing the word ''definitive'' and adding in its place the word ''registered'' in the first sentence.

11. Amend § 306.25 as follows:

a. Revise the third sentence of paragraph (a) to read as set forth below.

b. Remove and reserve footnote 4 in paragraph (a).

§ 306.25 Presentation and surrender.

(a) * * * Registered and bearer securities should be presented and surrendered for redemption to the Bureau. * * *

* * * * *

12. Revise § 306.26 to read as follows:

§ 306.26 Redemption of registered securities at maturity, upon prior call, or for prerefunding or advance refunding.

Registered securities presented and surrendered for redemption at maturity or pursuant to a call for redemption before maturity need not be assigned, unless the owner desires that payment be made to some other person, in which case assignments should be made to ''The Secretary of the Treasury for redemption for the account of (inserting name and address of person to whom payment is to be made). Specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the securities, unless included in the assignment. (Form PD 3905 may be used.) Payment of the principal will be made by check drawn on the United States Treasury to the order of the persons entitled and mailed in accordance with the instructions received. Securities presented for prerefunding or advance refunding should be assigned as provided in the prerefunding or advance refunding offer.

13. Amend § 306.27 by revising the last sentence to read as follows:

§ 306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding or prerefunding.

* * * Under appropriate circumstances, payment to a financial institution for detached past due coupons may be made by crediting the amount of the proceeds to the account maintained by the financial institution at the Federal Reserve bank of its district.

§ 306.28 [Removed]

14. Remove § 306.28.

15. Amend § 306.37 by revising paragraph (d) to read as follows:

§ 306.37 Interest on registered securities.

* * * * *

(d) *Nonreceipt, loss, theft, or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest payment date, or if a check is lost, stolen, or destroyed after receipt, notification should be sent to the Bureau of the Public Debt, Division of Customer Service, Parkersburg, WV 26102. Notification should include the name and address of the owner, his taxpayer identifying number, and the serial number, denomination, and title of the security upon which the interest was payable. If the check is subsequently received or recovered, the Bureau should be notified.

16. Amend § 306.38 by revising the second sentence to read as follows:

§ 306.38 Interest on bearer securities.

* * * Such coupons are payable at participating Federal Reserve banks or by the Bureau. * * *

§ 306.40 [Amended]

17. Amend § 306.40 by adding a period after the word ''Bureau'' in the second sentence and by removing the words ''a Federal Reserve bank or Branch''.

§ 306.41 [Amended]

18. Amend § 306.41 by removing the words ''to the Secretary of the Treasury for exchange for coupon securities,''.

§ 306.43 [Amended]

19. Amend § 306.43 by removing the words ''or a Federal Reserve bank or branch'' from the third sentence.

§ 306.56 [Amended]

20. Amend § 306.56 by removing the words ''or exchanged for coupon bonds'' from the first sentence of paragraph (a).

21. Amend § 306.56 by removing the words ''bearer securities or'' from the last sentence of paragraph (b).

§ 306.57 [Amended]

22. Amend § 306.57 by removing the words ''or exchange for bearer securities,'' from paragraph (c)(1).

23. Amend § 306.117 as follows:

a. Revise the heading to read as set forth below.

b. Remove the words ''A Reserve Bank'' from paragraph (b) and add the words ''Public Debt'' in their place, and remove the word ''definitive'' and add in its place the word ''registered''.

c. Revise paragraph (d) to read as set forth below.

§ 306.117 Withdrawal of eligible book-entry Treasury securities for conversion to registered form.

* * * * *

(d) Treasury securities which are to be delivered upon withdrawal may be issued in registered form, to the extent permitted by the applicable offering circular.

Dated: June 28, 1999.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 99–18060 Filed 7–14–99; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 989

RIN: 0701–AA56

Environmental Impact Analysis Process (EIAP)

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force has revised its instruction to improve the Air Force process for compliance with the National Environmental Policy Act (NEPA) and Executive Order (E.O.) 12114, *Environmental Effects Abroad of Major Federal Actions.* The revisions integrate environmental analysis and align environmental document approval levels with the Air Force decision-making process. It also expands Air Force environmental participants and responsibilities of the Environmental Planning Function (EPF) and the proponent of an action.

EFFECTIVE DATE: July 6, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Jack C. Bush (HQ USAF/ILEVP), 1260 Air Force Pentagon, Washington, DC 20330–1260, (703) 604–0553.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that this rule is not a major rule because it will not have an annual effect on the economy of $100 million or more. The Secretary of the Air Force has certified that this rule is exempt from the requirements of the *Regulatory Flexibility Act*, 5 U.S.C. 601–612, because this rule does not have a significant economic impact on small entities as defined by the Act, and does not impose any obligatory information requirements beyond internal Air Force use.

Responses to Proposed Rule 32 CFR Part 989

Discussion of Major Issues

Comment: Commenters recommend that paragraph (r) in the Discussion of Major Issues that §§ 989.18(b), 989.19(c)(3), and § A2.2.8 of Attachment B[1] be changed to refer to disproportionately high and adverse human health or environmental effects on ''minority or low-income populations.''

Response: Accepted. This change is necessary to be consistent with E.O. 12898 on environmental justice. A population can be low income and not minority and visa versa.

1. Responsibilities

Comment: Commenters state that the Air Force needed to include a special provision regarding government-to-government relations with federally recognized Indian tribes, consistent with the special role for tribes under the Council on Environmental Quality (CEQ) regulations, in order to assess the impacts of federal actions on tribal resources.

Response: Section 989.3(c)(4) includes Tribal governments as key participants in the Air Force environmental impact analysis process. Additionally, § 989.1(b) states that the CEQ regulations and this proposed document must be used together in order to comply with NEPA. Individually and in combination with the CEQ regulations, this final rule provides for proper tribal involvement.

2. Requests From Non-Air Force Agencies or Entities

Comment: Commenters recommend clarifying the use of the term ''proponent,'' in particular ''proponents'' that are non-Air Force entities, in the final rule.

Response: The term ''proponent'' throughout the document, as defined in Attachment 1, refers to the office, unit, or activity that proposes to initiate an action. The ''proponent'' may not always be an Air Force organization. When an action affects Air Force properties or programs, the ''proponent'' organizations must comply with § 989.7. However, we changed references from ''proponent'' to ''Air Force'' or the appropriate Air Force organization in order to clarify §§ 989.8(b), 989.14(l), and § 989.19(b).

Comment: Commenters recommend adding the following statement: ''For EAs the Air Force must make its own evaluation of the environmental issues and take responsibility for the scope and content of the Environmental Assessment.''

Response: Accepted. Section 989.7(b) allows the Air Force to ask the requester to provide an analysis of the environmental impacts. However, as stated in § 989.7(c), the Air Force must independently evaluate and approve the scope and content of the analyses before using the analyses to fulfill environmental impact analysis process requirements.

Comment: Commenters recommend adding the following statement related to requests from non-Air Force agencies or entities: ''EISs must be prepared directly by the Air Force or a contractor selected by the Air Force or where appropriate under 40 CFR 1501.6(b), a cooperating agency.''

Response: Accepted. Section 989.7(b) states an EA or EIS can be prepared by either the Air Force or a contractor that is selected and supervised by the Air Force.

3. Analysis of Alternatives

Comment: Commenters recommend adding the word ''explicitly'' to the § 989.8(c) to change the phrase to read: ''Except in those rare instances where explicitly excused by law . . .''

Response: The language in § 989.8(c), as currently stated, sufficiently highlights the legally narrow exceptions where the environmental impacts of no-action alternatives are not considered.

4. Cooperation and Adoption

Comment: Commenters recommend that § 989.9 should include a requirement for the Air Force to advocate for serving as a cooperating agency for those environmental documents that it intends to later adopt. Otherwise, such documents must follow appropriate CEQ guidelines for recirculating the documents.

Response: The language in § 989.9, as currently stated, sufficiently addresses the requirement to serve as a cooperating agency or to otherwise follow the appropriate CEQ guidelines for environmental documents that the Air Force intends to later adopt.

5. Categorical Exclusion

Comment: Commenters note that § 989.13(e) references § 989.28. Recommend the reference be made to § 989.30.

Response: Accepted.

Comment: Commenters contend that it is unclear how the Air Force is determining no significance in terms of categorical exclusions, and request that the Air Force define existing environment.

Response: The Air Force decided not to define the phrase as requested. The Air Force agrees that the term ''existing environment'' may have different

[1] **Note**: Attachments 1, 2, and 3 in the proposed rule published December 24, 1997 (62 FR 67305) have been redesignated as Appendices A, B, and C to conform to **Federal Register** style.

meanings in different circumstances. The term may, for example, sometimes include expected future conditions as well as existing conditions. The Air Force prefers that those performing the analysis apply judgment about this on a case-by-case basis, taking into account the nature and context of the proposed action. Further, the purpose of § 989.13(b) is to identify the various characteristics of actions that usually do not require an EA or an EIS. Section 989.13(b) is intended to identify those actions that usually do not warrant further environmental analysis because they do not meaningfully change the status quo. It would undercut the intent of the paragraph were ''existing environment'' here defined to include something other than the status quo. Nor is it necessary to do so to avoid overlooking potentially significant impacts, since Appendix B, § A2.2 already addresses those extraordinary situations where a normally excluded action may have a significant environmental effect. For similar reasons, the Air Force also has decided not to change the wording of §§ A2.3.7 and A2.3.11.

6. Environmental Assessment

Comment: Commenters recommend the phrase ''no decision'' in § 989.14(a) be clarified.

Response: We agree that the phrase ''no decision'' should be replaced with ''no action.'' We updated § 989.14(a) accordingly.

Comment: Commenters indicate that many Native American interests may not be adequately represented by working only with Tribal governments. They recommend broadening involvement of Native Americans in the EIAP, where appropriate, to consider all Native Americans.

Response: Section 989.14(l) states the Air Force proponent will involve other federal agencies, state, Tribal, and local governments, and the public in the preparation of the EAs. As written, the final rule considers input from Tribal governments and the public as a whole in the EIAP. This comprehensive engagement provides for broad involvement of all Native Americans, through both Tribal governments and individual Native Americans.

Comment: Commenters state that the document uses the word mitigation, but Appendix A does not include a definition for mitigation. They recommend clarification of the term mitigation, make the definition explicit that if it is a mitigated FONSI, that significant impacts were noted but reduce to the insignificant level.

Response: We adopt the definition of the term mitigation from 40 CFR 1508.20. As defined, mitigation includes avoidance, minimization, restoration, preservation, and compensation. Additionally, the EA and unsigned FONSI of an action that is mitigated to insignificance are made available for public review for at least 30 days before FONSI approval, in accordance with § 989.15(e)(2)(iv).

7. Finding of No Significant Impact

Comment: Commenters note § 989.15(5)(d) references § 989.23. Recommend the reference be made to § 989.24.

Response: Accepted.

Comment: Commenters recommend adding the following phrase in § 989.15(e)(2), ''and appropriate resource agencies be notified.''

Response: The Air Force involves resource agencies as a standard procedure from the beginning and throughout the entire EIAP process. Therefore, we read § 989.15(e)(2) to be appropriate as written.

8. Environmental Impact Statement

Comment: Commenters note that § 989.16(b)(1) states that, if there are public land withdrawals of over 5,000 acres, an EIS is normally required. They recommend adding the following, ''unless, of course, if there is significance for under 5,000, then an EIS would be required.''

Response: Section 989.14(a) states that every EA must lead to either a FONSI, a decision to prepare an EIS, or no action on the proposal. Therefore, an EA would include a FONSI, a decision to prepare EIS, or a decision to take no action on the proposal.

9. Record of Decision (ROD)

Comment: Commenters recommend in § 989.21 that the Air Force should note the CEQ requirement that no ROD can be issued on a proposed action until the later of the following dates: (1) 90 days after publication of the DEIS; or (2) 30 days after publication of the FEIS.

Response: Accepted.

10. Classified Actions (40 CFR 1507.3(c))

Comment: Regarding § 989.26, Classified Actions, commenters recommend that the Air Force should make the EPA guidance on reviewing classified NEPA documents available to appropriate Air Force officials and staff to ensure appropriate EPA staff are included in the classified review process.

Response: We appreciate this recommendation and will note its merit in ensuring Air Force officials are aware of and follow appropriate EPA guidance.

11. Air Quality

Comment: Commenters suggest that the Air Force may want to allow more flexibility to air quality (§ 989.30) conformity analysis to either be developed parallel with EIAP, or prepared later when the alternative has been selected.

Response: Air conformity analysis has been a critical component of the EIAP and is often a significant constraint in Air Force planning. Therefore, air conformity must remain an integral component of the EIAP—not as a separate, parallel, or subsequent process.

12. Noise

Comment: Commenters recommend additional or alternative analysis for noise effects for the special nature of the national parks system and their special legislative mandates.

Response: The Air Force currently includes analysis on the impacts of noise during the Environmental Impact Analysis Process. The Air Force will continue to work with other agencies to address analysis of specific situations and potential noise impacts in general.

13. Environmental Justice

Comment: Commenters recommended using the phrases ''minority populations and low-income populations'' or ''minority populations or low-income populations'' to be consistent with E.O. 12898 on environmental justice.

Response: Accepted.

14. Appendix B—Categorical Exclusions

Comment: Commenters recommend deleting the last three words of § A2.1: ''. . . and so on.''

Response: Accepted.

Comment: Commenters recommend the Air Force clarify § A2.3.18 to account for instances where the administrative transfer may require a NEPA document.

Response: As the commenters indicate, some actions, normally categorically excluded, may have a significant environmental impact that may generate a requirement for further environmental analysis, per §§ A2.1 and A2.2. As written, the final rule provides appropriate guidance for actions, normally categorically excluded, that may have significant impacts in actuality. The responsibility for performing additional analysis is incumbent upon the environmental planning function, which must consider each action on a case by case basis.

Comment: Commenters recommend the Air Force add a statement about hazardous waste disposal activities, and clarify how the Air Force intends to deal with transportation issues associated with hazardous materials and wastes.

Response: Consideration of hazardous waste disposal sites are important and require an EA. However, a special provision for discussion of hazardous waste disposal activities is not a topic that is appropriate for consideration in this final rule. Per §§ A2.1, A2.2, and § A2.3.28, transportation issues associated with hazardous materials typically qualify for categorical exclusion. However, actions that may have a significant environmental impact may require further environmental analysis. As written, the final rule provides for appropriate discussion of transportation issues associated with hazardous materials and wastes.

Comment: Commenters recommend the Air Force request written concurrence from the superintendent of any affected National Park Service units in determining ''minimal adverse effect on environmental quality,'' regarding categorical exclusions.

Response: Per §§ A2.1 and A2.2, actions that qualify for categorical exclusions must still comply with all other related environmental requirements, such as regulatory agency review of plans. Actions, normally categorically excluded, may have a significant environmental impact that may generate a requirement for further environmental analysis. As written, the final rule provides for appropriate involvement of affected agency officials, such as a superintendent of a National Park Service unit.

Comment: Commenters indicate in §§ A2.3.35 and A2.3.36 that it cannot always be assumed that flights at 3,000 feet or higher above ground level will have insignificant impacts on federal lands. This is especially true if ''above ground level'' is interpreted literally, rather than ''above the highest rims of canyons or valleys'' as in FAA Advisory Circular 91–36C, and if it does not include a horizontal separation in addition to the vertical separation. Recommend adding, ''except where Federal lands are involved, unless the Federal land manager agrees in writing that a categorical exclusion is appropriate.''

Response: Per §§ A2.1 and A2.2, actions that qualify for categorical exclusions must still comply with all other related environmental requirements, such as regulatory agency review of plans. Actions, normally categorically excluded, may have a significant environmental impact that may generate a requirement for further environmental analysis. As written, the final rule provides for appropriate involvement of affected agency officials, such as Federal land managers.

List of Subjects in 32 CFR Part 989

Environmental Protection, Environmental Impact Statements.

Therefore 32 CFR Part 989 is revised to read as follows:

PART 989—ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP)

Sec.

989.1 Purpose.
989.2 Concept.
989.3 Responsibilities.
989.4 Initial considerations.
989.5 Organizational relationships.
989.6 Budgeting and funding.
989.7 Requests from Non-Air Force agencies or entities.
989.8 Analysis of alternatives.
989.9 Cooperation and adoption.
989.10 Tiering.
989.11 Combining EIAP with other documentation.
989.12 AF Form 813, Request for Environmental Impact Analysis.
989.13 Categorical exclusion.
989.14 Environmental assessment.
989.15 Finding of no significant impact.
989.16 Environmental impact statement.
989.17 Notice of intent.
989.18 Scoping.
989.19 Draft EIS.
989.20 Final EIS.
989.21 Record of decision (ROD).
989.22 Mitigation.
989.23 Contractor prepared documents.
989.24 Public notification.
989.25 Base closure and realignment.
989.26 Classified actions (40 CFR 1507.3(c)).
989.27 Occupational safety and health.
989.28 Airspace and range proposals.
989.29 Force structure and unit move proposals.
989.30 Air quality.
989.31 Pollution prevention.
989.32 Noise.
989.33 Environmental justice.
989.34 Special and emergency procedures.
989.35 Reporting requirements.
989.36 Waivers.
989.37 Procedures for analysis abroad.
989.38 Requirements for analysis abroad.
Appendix A to Part 989—Glossary of References, Abbreviations, Acronyms, and Terms.
Appendix B to Part 989—Categorical Exclusions.
Appendix C to Part 989—Procedures for Holding Public Hearings on Draft Environmental Impact Statements (EIS).

Authority: 10 U.S.C. 8013.

§ 989.1 Purpose.

(a) This part implements the Air Force Environmental Impact Analysis Process (EIAP) and provides procedures for environmental impact analysis both within the United States and abroad. Because the authority for, and rules governing, each aspect of the EIAP differ depending on whether the action takes place in the United States or outside the United States, this part provides largely separate procedures for each type of action. Consequently, the main body of this part deals primarily with environmental impact analysis under the authority of the National Environmental Policy Act of 1969 (NEPA) (Public Law 91–190, 42 United States Code (U.S.C.) Sections 4321 through 4347), while the primary procedures for environmental impact analysis of actions outside the United States in accordance with Executive Order (E.O.) 12114, Environmental Effects Abroad of Major Federal Actions, are contained in §§ 989.32 and 989.33.

(b) The procedures in this part are essential to achieve and maintain compliance with NEPA and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR Parts 1500 through 1508, referred to as the ''CEQ Regulations''). Further requirements are contained in Department of Defense Directive (DoDD) 4715.1, Environmental Security, Department of Defense Instruction (DoDI) 4715.9, Environmental Planning and Analysis, DoDD 5000.1, Defense Acquisition, and Department of Defense Regulation 5000.2–R, Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems.[1] To comply with NEPA and complete the EIAP, the CEQ Regulations and this part must be used together.

(c) Air Force activities abroad will comply with this part, E. O. 12114, and 32 CFR Part 187 (DoDD 6050.7, Environmental Effects Abroad of Major Department of Defense Actions, March 31, 1979). To comply with E.O. 12114 and complete the EIAP, the Executive Order, 32 CFR Part 187, and this part must be used together.

(d) Appendix A is a glossary of references, abbreviations, acronyms, and terms. Refer to 40 CFR 1508 for definitions of other terminology used in this part.

§ 989.2 Concept.

(a) This part provides a framework on how to comply with NEPA and E.O. 12114 according to Air Force Policy Directive (AFPD) 32–70[2]. The Air Force specific procedures and requirements in

[1] Copies of the publications are available, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

[2] See footnote 1 to § 989.1.

this part are intended to be used by Air Force decision-makers to fully comply with NEPA and the EIAP.

(b) Major commands (MAJCOM) provide additional implementing guidance in their supplemental publications to this part. MAJCOM supplements must identify the specific offices that have implementation responsibility and include any guidance needed to comply with this part. All references to MAJCOMs in this part include the Air National Guard Readiness Center (ANGRC) and other agencies designated as ''MAJCOM equivalent'' by HQ USAF.

§ 989.3 Responsibilities.

(a) *Office of the Secretary of the Air Force:*

(1) The Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health (SAF/MIQ):

(i) Develops environmental planning policy and provides oversight of the EIAP program.

(ii) Determines the level of environmental analysis required for especially important, visible, or controversial Air Force proposals and approves selected Environmental Assessments (EAs) and all Environmental Impact Statements (EISs) prepared for Air Force actions, whether classified or unclassified, except as specified in paragraph (c)(3) of this section.

(iii) Is the liaison on environmental matters with Federal agencies and national level public interest organizations.

(iv) Ensures appropriate offices in the Office of the Secretary of Defense are kept informed on EIAP matters of Defense-wide interest.

(2) The General Counsel (SAF/GC). Provides final legal advice to SAF/MI, HQ USAF, and HQ USAF Environment, Safety and Occupational Health Committee (ESOHC) on EIAP issues.

(3) *Office of Legislative Liaison (SAF/LL):*

(i) Assists with narrowing and defining key issues by arranging consultations with congressional delegations on potentially sensitive actions.

(ii) Distributes draft and final EISs to congressional delegations.

(iii) Reviews and provides the Office of the Secretary of Defense (OSD) with analyses of the Air Force position on proposed and enrolled legislation and executive department testimony dealing with EIAP issues.

(4) *Office of Public Affairs (SAF/PA):*

(i) Reviews and clears environmental documents in accordance with Air Force Instruction (AFI) 35–205, Air Force Security and Policy Review [3] prior to public release.

(ii) Assists the environmental planning function and the Air Force Legal Services Agency, Trial Judiciary Division (AFLSA/JAJT), in planning and conducting public scoping meetings and hearings.

(iii) Ensures that public affairs aspects of all EIAP actions are conducted in accordance with this part and AFI 35–202, Environmental Community Involvement.[4]

(iv) The National Guard Bureau, Office of Public Affairs (NGB-PA), will assume the responsibilities of SAF/PA for the EIAP involving the National Guard Bureau, Air Directorate.

(b) Headquarters U.S. Air Force (HQ USAF). The Civil Engineer (HQ USAF/ILE) is responsible for execution of the EIAP program. The National Guard Bureau Air Directorate (NGB–CF) oversees the EIAP for Air National Guard actions.

(c) MAJCOMs, the Air National Guard, Field Operating Agencies (FOAs), and Single Manager Programs. These organizations establish procedures that comply with this part wherever they are the host unit for preparing and using required environmental documentation in making decisions about proposed actions and programs within their commands or areas of responsibility.

(1) Air Force Center for Environmental Excellence (AFCEE). The AFCEE Environmental Conservation and Planning Directorate (AFCEE/EC) is available to provide technical assistance and has the capability to provide contract support to the proponent, EPF, and MAJCOMs in developing EIAP documents.

(2) Air Force Regional Environmental Offices (REOs). REOs review non-Air Force environmental documents that may have an impact on the Air Force. Requests for review of such documents should be directed to the proper REO (Atlanta, Dallas, or San Francisco) along with any relevant comments. The REO:

(i) Notifies the proponent, after receipt, that the REO is the single point of contact for the Air Force review of the document.

(ii) Requests comments from potentially affected installations, MAJCOMs, the ANG, and HQ USAF, as appropriate.

(iii) Consolidates comments into the Air Force official response and submits the final response to the proponent.

(iv) Provides to HQ USAF/ILEVP and the appropriate MAJCOMs and installations a copy of the final response and a complete set of all review comments.

(3) Single Manager Acquisition Programs (system-related NEPA). The proponent Single Manager (i.e., System Program Director, Materiel Group Managers, and Product Group Managers) for all programs, regardless of acquisition category, shall comply with DoD Regulation 5000.2–R. SAF/AQR, as the Air Force Acquisition Executive Office, is the final approval authority for all system-related NEPA documents. SAF/AQR is responsible for accomplishing appropriate Headquarters EPC/ESOHC review. The Single Manager will obtain appropriate Product Center EPC approval prior to forwarding necessary EIAP documents (i.e., Notices of Intent (NOIs) and preliminary draft and final EAs and EISs) to SAF/AQR. The Single Manager will allow for concurrent review of EIAP documents by HQ AFMC/CEV and the Operational Command (HQ ACC, HQ AMC, HQ AFSPC, etc.) The Single Manager is responsible for budgeting and funding EIAP efforts, including EIAP for research, development, testing, and evaluation activities.

(4) *Key Air Force environmental participants.* The EIAP must be approached as an integrated team effort including key participants within the Air Force and also involving outside federal agencies, state, Tribal, and local governments, interested outside parties, citizens groups, and the general public. Key Air Force participants may include the following functional areas, as well as others:

Proponent
Civil Engineers/Environmental Planning Function
Staff Judge Advocate
Public Affairs
Medical Service (Bioenvironmental Engineer)
Safety Office
Range and Airspace Managers
Bases and Units
Plans and Programs
Logistics
Personnel
Legislative Liaison

(d) *Proponent.* Each office, unit, single manager, or activity at any level that initiates Air Force actions is responsible for:

(1) Complying with the EIAP and shall ensure integration of the EIAP during the initial planning stages of proposed actions so that planning and decisions reflect environmental values, delays are avoided later in the process, and potential conflicts are precluded.

(2) Notifying the EPF of a pending action and completing Section I of AF Form 813, Request for Environmental

[3] See footnote 1 to § 989.1.

[4] See footnote 1 to § 989.1.

Impact Analysis. Prepare the Description of Proposed Action and Alternatives (DOPAA) through an interdisciplinary team approach including the EPF and other key Air Force participants.

(3) Identifying key decision points and coordinating with the EPF on EIAP phasing to ensure that environmental documents are available to the decision-maker before the final decision is made and ensuring that, until the EIAP is complete, resources are not committed prejudicing the selection of alternatives nor actions taken having an adverse environmental impact or limiting the choice of reasonable alternatives.

(4) Determining, with the EPF, as early as possible whether to prepare an EIS. The proponent and the EPF will conduct an early internal scoping process as part of the EIAP process. The internal scoping process should involve key Air Force environmental participants (see § 989.3(c)(4)) and other Air Force offices as needed and conclude with preparation of a DOPAA. For complex or detailed EAs or EISs, an outside facilitator trained in EIAP may be used to focus and guide the discussion. Department of the Air Force personnel, rather than contractors, should generally be used to prepare the DOPAA.

(5) Presenting the DOPAA to the EPC for review and comment.

(6) Coordinating with the EPF, Public Affairs, and Staff Judge Advocate prior to organizing public or interagency meetings which deal with EIAP elements of a proposed action and involving persons or agencies outside the Air Force.

(7) Subsequent to the decision to prepare an EIS, assisting the EPF and Public Affairs Office in preparing a draft NOI to prepare an EIS. All NOIs must be forwarded through the MAJCOM EPF to HQ USAF/ILEV for review and publication in the **Federal Register**. Publication in the **Federal Register** is accomplished in accordance with AFI 37–120, **Federal Register**.[5] (See § 989.17.)

(8) Ensuring that proposed actions are implemented as described in the final EIAP decision documents.

(e) *Environmental Planning Function (EPF).* At every level of command, the EPF is one of the key Air Force participants responsible for the EIAP. The EPF can be the environmental flight within a civil engineer squadron, a separate environmental management office at an installation, the CEV at MAJCOMs, or an equivalent environmental function located with a program office. The EPF:

(1) Supports the EIAP by bringing key participants in at the beginning of a proposed action and involving them throughout the EIAP. Key participants play an important role in defining and focusing key issues at the initial stage.

(2) At the request of the proponent, prepares environmental documents using an interdisciplinary approach, or obtains technical assistance through Air Force channels or contract support. Assists the proponent in obtaining review of environmental documents.

(3) Assists the proponent in preparing a DOPAA and actively supports the proponent during all phases of the EIAP.

(4) Evaluates proposed actions and completes Sections II and III of AF Form 813, subsequent to submission by the proponent and determines whether a Categorical Exclusion (CATEX) applies. The responsible EPF member signs the AF Form 813 certification.

(5) Identifies and documents, with technical advice from the Bioenvironmental Engineer and other staff members, environmental quality standards that relate to the action under evaluation.

(6) Supports the proponent in preparing environmental documents, or obtains technical assistance through Air Force channels or contract support and adopts the documents as official Air Force papers when completed and approved.

(7) Ensures the EIAP is conducted on base-level and MAJCOM-level plans, including contingency plans for the training, movement, and operations of Air Force personnel and equipment.

(8) Prepares the NOI to prepare an EIS with assistance from the proponent and the Public Affairs Office.

(9) Prepares applicable portions of the Certificate of Compliance for each military construction project according to AFI 32–1021, Planning and Programming of Facility Construction Projects.[6]

(10) Submits one hard copy and one electronic copy of the final EA/Finding of No Significant Impact (FONSI) and EIS/Record of Decision (ROD) to the Defense Technical Information Center.

(f) *Environmental Protection Committee (EPC).* The EPC helps commanders assess, review, and approve EIAP documents in accordance with AFI 32–7005, Environmental Protection Committees.[7]

(g) *Staff Judge Advocate (SJA).* The Staff Judge Advocate:

(1) Advises the proponent, EPF, and EPC on CATEX determinations and the legal sufficiency of environmental documents.

(2) Advises the EPF during the scoping process of issues that should be addressed in EISs and on procedures for the conduct of public hearings.

(3) Coordinates the appointment of the independent hearing officer with AFLSA/JAJT and provides support for the hearing officer in cases of public hearings on the draft EIS. The proponent pays administrative and Temporary Duty (TDY) costs. The hearing officer presides at hearings and makes final decisions regarding hearing procedures.

(4) Promptly refers all matters causing or likely to cause substantial public controversy or litigation through channels to AFLSA/JACE (or NGB–JA).

(h) *Public Affairs Officer.* This officer:

(1) Advises the EPF, the EPC, and the proponent on public affairs activities on proposed actions and reviews environmental documents for public involvement issues.

(2) Advises the EPF of issues and competing interests that should be addressed in the EIS or EA.

(3) Assists in preparation of and attends public meetings or media sessions on environmental issues.

(4) Prepares, coordinates, and distributes news releases and other public information materials related to the proposal and associated EIAP documents.

(5) Notifies the media (television, radio, newspaper) and purchases advertisements when newspapers will not run notices free of charge. The EPF will fund the required advertisements.

(6) Determines and ensures Security Review requirements are met for all information proposed for public release.

(7) For more comprehensive instructions about public affairs activities in environmental matters, see AFI 35–202.[8]

(i) *Medical Service.* The Medical Service, represented by the Bioenvironmental Engineer, provides technical assistance to EPFs in the areas of environmental health standards, environmental effects, and environmental monitoring capabilities. The Air Force Armstrong Laboratory, Occupational and Environmental Health Directorate, provides additional technical support.

(j) *Safety Office.* The Safety Office provides technical review and assistance to EPFs to ensure consideration of safety standards and requirements.

[5] See footnote 1 to § 989.1.

[6] See footnote 1 to § 989.1.

[7] See footnote 1 to § 989.1.

[8] See footnote 1 to § 989.1.

§ 989.4 Initial considerations.

Air Force personnel will:

(a) Consider and document environmental effects of proposed Air Force actions through AF Forms 813, EAs, FONSIs, EISs, RODs, and documents prepared according to E.O. 12114.

(b) Evaluate proposed actions for possible CATEX from environmental impact analysis (appendix B).

(c) Make environmental documents, comments, and responses, including those of other federal agencies, state, Tribal, and local governments, and the public, part of the record available for review and use at all levels of decisionmaking.

(d) Review the specific alternatives analyzed in the EIAP when evaluating the proposal prior to decisionmaking.

(e) Ensure that alternatives to be considered by the decisionmaker are both reasonable and within the range of alternatives analyzed in the environmental documents.

(f) Pursue the objective of furthering foreign policy and national security interests while at the same time considering important environmental factors.

(g) Consider the environmental effects of actions that affect the global commons.

(h) Determine whether any foreign government should be informed of the availability of environmental documents. Formal arrangements with foreign governments concerning environmental matters and communications with foreign governments concerning environmental agreements will be coordinated with the Department of State by the Deputy Assistant Secretary of the Air Force for Environment, Safety, and Occupational Health (SAF/MIQ) through the Deputy Under Secretary of Defense (Environmental Security). This coordination requirement does not apply to informal working-level communications and arrangements.

§ 989.5 Organizational relationships.

(a) The host EPF manages the EIAP using an interdisciplinary team approach. This is especially important for tenant-proposed actions, because the host command is responsible for the EIAP for actions related to the host command's installations.

(b) The host command prepares environmental documents internally or directs the host base to prepare the environmental documents. Environmental document preparation may be by contract (requiring the tenant to fund the EIAP), by the tenant unit, or by the host. Regardless of the preparation method, the host command will ensure the required environmental analysis is accomplished before a decision is made on the proposal and an action is undertaken. Support agreements should provide specific procedures to ensure host oversight of tenant compliance, tenant funding or reimbursement of host EIAP costs, and tenant compliance with the EIAP regardless of the tenant not being an Air Force organization.

(c) For aircraft beddown and unit realignment actions, program elements are identified in the Program Objective Memorandum. Subsequent Program Change Requests must include AF Form 813.

(d) To ensure timely initiation of the EIAP, SAF/AQ forwards information copies of all Mission Need Statements and System Operational Requirements Documents to SAF/MIQ, HQ USAF/ILEV (or ANGRC/CEV), the Air Force Medical Operations Agency, Aerospace Medicine Office (AFMOA/SG), and the affected MAJCOM EPFs.

(e) The MAJCOM of the scheduling unit managing affected airspace is responsible for preparing and approving environmental analyses.

§ 989.6 Budgeting and funding.

Contract EIAP efforts are proponent MAJCOM responsibilities. Each year, the EPF programs for anticipated out-year EIAP workloads based on inputs from command proponents. If proponent offices exceed the budget in a given year or identify unforeseen requirements, the proponent offices must provide the remaining funding.

§ 989.7 Requests from Non-Air Force agencies or entities.

(a) Non-Air Force agencies or entities may request the Air Force to undertake an action, such as issuing a permit or outleasing Air Force property, that may primarily benefit the requester or an agency other than the Air Force. The EPF and other Air Force staff elements must identify such requests and coordinate with the proponent of the non-Air Force proposal, as well as with concerned state, Tribal, and local governments.

(b) Air Force decisions on such proposals must take into consideration the potential environmental impacts of the applicant's proposed activity (as described in an Air Force environmental document), insofar as the proposed action involves Air Force property or programs, or requires Air Force approval.

(c) The Air Force may require the requester to prepare, at the requester's expense, an analysis of environmental impacts (40 CFR 1506.5), or the requester may be required to pay for an EA or EIS to be prepared by a contractor selected and supervised by the Air Force. The EPF may permit requesters to submit draft EAs for their proposed actions, except for actions described in § 989.16(a) and (b), or for actions the EPF has reason to believe will ultimately require an EIS. For EISs, the EPF has the responsibility to prepare the environmental document, although responsibility for funding remains with the requester. The fact that the requester has prepared environmental documents at its own expense does not commit the Air Force to allow or undertake the proposed action or its alternatives. The requester is not entitled to any preference over other potential parties with whom the Air Force might contract or make similar arrangements.

(d) In no event is the requester who prepares or funds an environmental analysis entitled to reimbursement from the Air Force. When requesters prepare environmental documents outside the Air Force, the Air Force must independently evaluate and approve the scope and content of the environmental analyses before using the analyses to fulfill EIAP requirements. Any outside environmental analysis must evaluate reasonable alternatives as defined in § 989.8.

§ 989.8 Analysis of alternatives.

(a) The Air Force must analyze reasonable alternatives to the proposed action and the ''no action'' alternative in all EAs and EISs, as fully as the proposed action alternative.

(b) ''Reasonable'' alternatives are those that meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action. Reasonable alternatives are not limited to those directly within the power of the Air Force to implement. They may involve another government agency or military service to assist in the project or even to become the lead agency. The Air Force must also consider reasonable alternatives raised during the scoping process (see § 989.18) or suggested by others, as well as combinations of alternatives. The Air Force need not analyze highly speculative alternatives, such as those requiring a major, unlikely change in law or governmental policy. If the Air Force identifies a large number of reasonable alternatives, it may limit alternatives selected for detailed environmental analysis to a reasonable range or to a reasonable number of examples covering the full spectrum of alternatives.

(c) The Air Force may expressly eliminate alternatives from detailed analysis, based on reasonable selection standards (for example, operational, technical, or environmental standards suitable to a particular project). In consultation with the EPF, the appropriate Air Force organization may develop written selection standards to firmly establish what is a ''reasonable'' alternative for a particular project, but they must not so narrowly define these standards that they unnecessarily limit consideration to the proposal initially favored by proponents. This discussion of reasonable alternatives applies equally to EAs and EISs.

(d) Except in those rare instances where excused by law, the Air Force must always consider and assess the environmental impacts of the ''no action'' alternative. ''No action'' may mean either that current management practice will not change or that the proposed action will not take place. If no action would result in other predictable actions, those actions should be discussed within the no action alternative section. The discussion of the no action alternative and the other alternatives should be comparable in detail to that of the proposed action.

§ 989.9 Cooperation and adoption.

(a) *Lead and cooperating agency (40 CFR 1501.5 and 1501.6).* When the Air Force is a cooperating agency in the preparation of an EIS, the Air Force reviews and approves principal environmental documents within the EIAP as if they were prepared by the Air Force. The Air Force executes a ROD for its program decisions that are based on an EIS for which the Air Force is a cooperating agency. The Air Force may also be a lead or cooperating agency on an EA using similar procedures, but the MAJCOM EPC retains approval authority unless otherwise directed by HQ USAF. Before invoking provisions of 40 CFR 1501.5(e), the lowest authority level possible resolves disputes concerning which agency is the lead agency.

(b) *Adoption of EA or EIS.* The Air Force, even though not a cooperating agency, may adopt an EA or EIS prepared by another entity where the proposed action is substantially the same as the action described in the EA or EIS. In this case, the EA or EIS must be recirculated as a final EA or EIS but the Air Force must independently review the EA or EIS and determine that it is current and that it satisfies the requirements of this part. The Air Force then prepares its own FONSI or ROD, as the case may be. In the situation where the proposed action is not substantially the same as that described in the EA or the EIS, the Air Force may adopt the EA or EIS, or a portion thereof, by circulating the EA or EIS as a draft and then preparing the final EA or EIS.

§ 989.10 Tiering.

The Air Force should use tiered (40 CFR 1502.20) environmental documents, and environmental documents prepared by other agencies, to eliminate repetitive discussions of the same issues and to focus on the issues relating to specific actions. If the Air Force adopts another Federal agency's environmental document, subsequent Air Force environmental documents may also be tiered.

§ 989.11 Combining EIAP with other documentation.

(a) The EPF combines environmental analysis with other related documentation when practicable (40 CFR 1506.4) following the procedures prescribed by the CEQ regulations and this part.

(b) The EPF must integrate comprehensive planning (AFI 32–7062, Air Force Comprehensive Planning[9]) with the requirements of the EIAP. Prior to making a decision to proceed, the EPF must analyze the environmental impacts that could result from implementation of a proposal identified in the comprehensive plan.

§ 989.12 AF Form 813, Request for Environmental Impact Analysis.

The Air Force uses AF Form 813 to document the need for environmental analysis or for certain CATEX determinations for proposed actions. The form helps narrow and focus the issues to potential environmental impacts. AF Form 813 must be retained with the EA or EIS to record the focusing of environmental issues. The rationale for not addressing environmental issues must also be recorded in the EA or EIS.

§ 989.13 Categorical exclusion.

(a) CATEXs define those categories of actions that do not individually or cumulatively have potential for significant effect on the environment and do not, therefore, require further environmental analysis in an EA or an EIS. The list of Air Force-approved CATEXs is in Appendix B. Supplements to this part may not add CATEXs or expand the scope of the CATEXs in Appendix B.

(b) Characteristics of categories of actions that usually do not require either an EIS or an EA (in the absence of extraordinary circumstances) include:

(1) Minimal adverse effect on environmental quality.

(2) No significant change to existing environmental conditions.

(3) No significant cumulative environmental impact.

(4) Socioeconomic effects only.

(5) Similarity to actions previously assessed and found to have no significant environmental impacts.

(c) CATEXs apply to actions in the United States and abroad. General exemptions specific to actions abroad are in 32 CFR part 187. The EPF or other decision-maker forwards requests for additional exemption determinations for actions abroad to HQ USAF/ILEV with a justification letter.

(d) Normally, any decision-making level may determine the applicability of a CATEX and need not formally record the determination on AF Form 813 or elsewhere, except as noted in the CATEX list.

(e) Application of a CATEX to an action does not eliminate the need to meet air conformity requirements (see § 989.30).

§ 989.14 Environmental assessment.

(a) When a proposed action is one not usually requiring an EIS but is not categorically excluded, the EPF supports the proponent in preparing an EA (40 CFR 1508.9). Every EA must lead to either a FONSI, a decision to prepare an EIS, or no action on the proposal.

(b) Whenever a proposed action usually requires an EIS, the EPF responsible for the EIAP may prepare an EA to definitively determine if an EIS is required based on the analysis of environmental impacts. Alternatively, the EPF may choose to bypass the EA and proceed with preparation of an EIS.

(c) An EA is a written analysis that:

(1) Provides analysis sufficient to determine whether to prepare an EIS or a FONSI.

(2) Aids the Air Force in complying with the NEPA when no EIS is required.

(d) The length of an EA should be as short and concise as possible, while matching the magnitude of the proposal. An EA briefly discusses the need for the proposed action, reasonable alternatives to the proposed action, the affected environment, the environmental impacts of the proposed action and alternatives (including the ''no action'' alternative), and a listing of agencies and persons consulted during preparation. The EA should not contain long descriptions or lengthy, detailed data. Rather, incorporate by reference background data to support the concise discussion of the proposal and relevant issues.

[9] See footnote 1 to § 989.1.

(e) The format for the EA may be the same as the EIS. The alternatives section of an EA and an EIS are similar and should follow the alternatives analysis guidance outlined in § 989.8.

(f) The EPF should design the EA to facilitate rapidly transforming the document into an EIS if the environmental analysis reveals a significant impact.

(g) EAs for actions where the Air Force has wetlands or floodplains compliance responsibilities (E.O. 11988 and E.O. 11990) require SAF/MIQ approval. As a finding contained in the draft FONSI, a Finding of No Practicable Alternative (FONPA) must be submitted (five hard copies and an electronic version) through the MAJCOM EPF to HQ USAF/ILEVP when the alternative selected is located in wetlands or floodplains, and must discuss why no other practicable alternative exists to avoid impacts. See AFI 32–7064, Integrated Natural Resources Management.

(h) EAs and accompanying FONSIs that require the Air Force to make Clean Air Act General Conformity Determinations shall be submitted (five hard copies and an electronic version) through the MAJCOM EPF to HQ USAF/ILEVP for SAF/MIQ approval. SAF/MIQ signs all General Conformity Determinations and will also sign the companion FONSIs, when requested by the MAJCOM (see § 989.30).

(i) In cases potentially involving a high degree of controversy or Air Force-wide concern, the MAJCOM, after consultation with HQ USAF/ILEVP, may request HQ USAF ESOHC review and approval of an EA, or HQ USAF may direct the MAJCOM to forward an EA (five hard copies and an electronic version) for HQ USAF ESOHC review and approval.

(j) As a minimum, the following EAs require MAJCOM approval because they involve topics of special importance or interest. Unless directed otherwise by HQ USAF/ILEVP, the installation EPF must forward the following types of EAs to the MAJCOM EPF, along with an unsigned draft FONSI: (MAJCOMs can require other EAs to receive MAJCOM approval in addition to those types specified here.)

(1) All EAs on non-Air Force proposals that require an Air Force decision, such as use of Air Force property for highways, space ports, and joint-use proposals.

(2) EAs where mitigation to insignificance is accomplished in lieu of initiating an EIS (§ 989.22(c)).

(k) A few examples of actions that normally require preparation of an EA (except as indicated in the CATEX list) include:

(1) Public land withdrawals of less than 5,000 acres.

(2) Minor mission realignments and aircraft beddowns.

(3) New building construction on base within developed areas.

(4) Minor modifications to Military Operating Areas (MOAs), air-to-ground weapons ranges, and military training routes.

(l) The Air Force will involve other federal agencies, state, Tribal, and local governments, and the public in the preparation of EAs (40 CFR 1501.4(b) and 1506.6). The extent of involvement usually coincides with the magnitude and complexity of the proposed action and its potential environmental effect on the area. For proposed actions described in § 989.15(e)(2), use either the scoping process described in § 989.18 or the public notice process in § 989.24.

§ 989.15 Finding of no significant impact.

(a) The FONSI (40 CFR 1508.13) briefly describes why an action would not have a significant effect on the environment and thus will not be the subject of an EIS. The FONSI must summarize the EA or, preferably, have it attached and incorporated by reference, and must note any other environmental documents related to the action.

(b) If the EA is not incorporated by reference, the FONSI must include:

(1) Name of the action.

(2) Brief description of the action (including alternatives considered and the chosen alternative).

(3) Brief discussion of anticipated environmental effects.

(4) Conclusions leading to the FONSI.

(5) All mitigation actions that will be adopted with implementation of the proposal (see § 989.22).

(c) Keep FONSIs as brief as possible. Only rarely should FONSIs exceed two typewritten pages. Stand-alone FONSIs without an attached EA may be longer.

(d) For actions of regional or local interest, disseminate the FONSI according to § 989.24. The MAJCOM and NGB are responsible for release of FONSIs to regional offices of Federal agencies, the state single point of contact (SPOC), and state agencies concurrent with local release by the installations.

(e) The EPF must make the EA and unsigned FONSI available to the affected public and provide the EA and unsigned FONSI to organizations and individuals requesting them and to whomever the proponent or the EPF has reason to believe is interested in the action, unless disclosure is precluded for security classification reasons. Draft EAs and unsigned draft FONSIs will be clearly identified as drafts and distributed via cover letter which will explain their purpose and need. The EPF provides a copy of the documents without cost to organizations and individuals requesting them. The FONSI transmittal date (date of letter of transmittal) to the state SPOC or other equivalent agency is the official notification date.

(1) Before the FONSI is signed and the action is implemented, the EPF should allow sufficient time to receive comments from the public. The time period will reflect the magnitude of the proposed action and its potential for controversy. The greater the magnitude of the proposed action or its potential for controversy, the longer the time that must be allowed for public review. Mandatory review periods for certain defined actions are contained in § 989.15(e)(2). These are not all inclusive but merely specific examples. In every case where an EA and FONSI are prepared, the proponent and EPF must determine how much time will be allowed for public review. In all cases, other than classified actions, a public review period should be the norm unless clearly unnecessary due to the lack of potential controversy.

(2) In the following circumstances, the EA and unsigned FONSI are made available for public review for at least 30 days before FONSI approval and implementing the action (40 CFR 1501.4(e)(2)):

(i) When the proposed action is, or is closely similar to, one that usually requires preparation of an EIS (see § 989.16).

(ii) If it is an unusual case, a new kind of action, or a precedent-setting case in terms of its potential environmental impacts.

(iii) If the proposed action would be located in a floodplain or wetland.

(iv) If the action is mitigated to insignificance in the FONSI, in lieu of an EIS (§ 989.22(c)).

(v) If the proposed action is a change to airspace use or designation.

(vi) If the proposed action would have a disproportionately high and adverse environmental effect on minority populations and low-income populations.

(f) As a general rule, the same organizational level that prepares the EA also reviews and recommends the FONSI for approval by the EPC. MAJCOMs may decide the level of EA approval and FONSI signature, except as provided in § 989.14(g), (h), (i), and (j).

§ 989.16 Environmental impact statement.

(a) Certain classes of environmental impacts normally require preparation of an EIS (40 CFR 1501.4). These include, but are not limited to:

(1) Potential for significant degradation of the environment.

(2) Potential for significant threat or hazard to public health or safety.

(3) Substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action.

(b) Certain other actions normally, but not always, require an EIS. These include, but are not limited to:

(1) Public land withdrawals of over 5,000 acres (Engle Act, 43 U.S.C. 155 through 158).

(2) Establishment of new air-to-ground weapons ranges.

(3) Site selection of new airfields.

(4) Site selection of major installations.

(5) Development of major new weapons systems (at decision points that involve demonstration, validation, production, deployment, and area or site selection for deployment).

(6) Establishing or expanding supersonic training areas over land below 30,000 feet MSL (mean sea level).

(7) Disposal and reuse of closing installations.

§ 989.17 Notice of intent.

The EPF must furnish, through the MAJCOM, to HQ USAF/ILEV the NOI (40 CFR 1508.22) describing the proposed action for congressional notification and publication in the **Federal Register**. The EPF, through the host base public affairs office, will also provide the approved NOI to newspapers and other media in the area potentially affected by the proposed action. The EPF must provide copies of the notice to the SPOC and must also distribute it to requesting agencies, organizations, and individuals. Along with the draft NOI, the EPF must also forward the completed DOPAA, through the MAJCOM, to HQ USAF for information.

§ 989.18 Scoping.

(a) After publication of the NOI for an EIS, the EPF must initiate the public scoping process (40 CFR 1501.7) to determine the scope of issues to be addressed and to help identify significant environmental issues to be analyzed in depth. Methods of scoping range from soliciting written comments to conducting public scoping meetings (see 40 CFR 1501.7 and 1506.6(e)). The scoping process is an iterative, pro-active process of communicating with individual citizens, neighborhood, community, and local leaders, public interest groups, congressional delegations, state, Tribal, and local governments, and federal agencies. The scoping process must start prior to official public scoping meetings and continue through to preparation of the draft EIS. The purpose of this process is to de-emphasize insignificant issues and focus the scope of the environmental analysis on significant issues (40 CFR 1500.4(g)). Additionally, scoping allows early and more meaningful participation by the public. The result of scoping is that the proponent and EPF determine the range of actions, alternatives, and impacts to be considered in the EIS (40 CFR 1508.25). The EPF must send scripts for scoping meetings to AF/ILEV (or ANGRC/CEV) no later than 30 days before the first scoping meeting. Scoping meeting plans are similar in content to public hearing plans (see Appendix C). Public scoping meetings should generally be held at locations not on the installation.

(b) Where it is anticipated the proposed action and its alternatives will have disproportionately high and adverse human health or environmental effects on minority populations or low-income populations, special efforts shall be made to reach these populations. This might include special informational meetings or notices in minority and low-income areas concerning the regular scoping process.

§ 989.19 Draft EIS.

(a) *Preliminary draft.* The EPF supports the proponent in preparation of a preliminary draft EIS (PDEIS) (40 CFR 1502.9) based on the scope of issues decided on during the scoping process. The format of the EIS must be in accordance with the format recommended in the CEQ regulations (40 CFR 1502.10 and 1502.11). The CEQ regulations indicate that EISs normally contain fewer than 150 pages (300 pages for proposals of unusual complexity). The EPF provides a sufficient number of copies of the PDEIS to HQ USAF/ILEV for HQ USAF ESOHC security and policy review in each member's area of responsibility and to AFCEE/EC for technical review.

(b) *Review of draft EIS.* After the HQ USAF ESOHC review, the EPF assists the appropriate Air Force organization in making any necessary revisions to the PDEIS and forwards it to HQ USAF/ILEV as a draft EIS to ensure completion of all security and policy reviews and to certify releasability. Once the draft EIS is approved, HQ USAF/ILEV notifies the EPF to print sufficient copies of the draft EIS for distribution to congressional delegations and interested agencies at least 7 calendar days prior to publication of the Notice of Availability (NOA) in the **Federal Register**. After congressional distribution, the EPF sends the draft EIS to all others on the distribution list. HQ USAF/ILEV then files the document with the U.S. Environmental Protection Agency (USEPA) and provides a copy to the Deputy Under Secretary of Defense for Environmental Security.

(c) *Public review of draft EIS (40 CFR 1502.19 and 1506.6):* (1) The public comment period for the draft EIS is at least 45 days starting from the publication date of the NOA of the draft EIS in the **Federal Register**. USEPA publishes in the **Federal Register** NOAs of EISs filed during the preceding week. This public comment period may be extended by the EPF. If the draft EIS is unusually long, the EPF may distribute a summary to the public with an attached list of locations (such as public libraries) where the entire draft EIS may be reviewed. The EPF must distribute the full draft EIS to certain entities, for example, agencies with jurisdiction by law or agencies with special expertise in evaluating the environmental impacts, and anyone else requesting the entire draft EIS (40 CFR 1502.19 and 1506.6).

(2) The EPF sponsors public hearings on the draft EIS according to the procedures in Attachment 3. Hearings take place no sooner than 15 days after the **Federal Register** publication of the NOA and at least 15 days before the end of the comment period. Scheduling hearings toward the end of the comment period is encouraged to allow the public to obtain and more thoroughly review the draft EIS. The EPF must provide hearing scripts to HQ USAF/ILEV (or ANGRC/CEV) no later than 30 days prior to the first public hearing. Public hearings should generally be held at off-base locations. Submit requests to deviate from procedures in Attachment 3 to HQ USAF/ILEVP for SAF/MIQ approval.

(3) Where analyses indicate that a proposed action will potentially have disproportionately high and adverse human health or environmental effects on minority populations or low-income populations, the EPF should make special efforts to ensure that these potentially impacted populations are brought into the review process.

(d) *Response to comments (40 CFR 1503.4).* The EPF must incorporate in the Final EIS its responses to comments on the Draft EIS by modifying the text and referring in the appendix to where the comment is addressed or providing a written explanation in the comments section, or both. The EPF may group comments of a similar nature together to

allow a common response and may also respond to individuals separately.

(e) *Seeking additional comments.* The EPF may, at any time during the EIS process, seek additional public comments, such as when there has been a significant change in circumstances, development of significant new information of a relevant nature, or where there is substantial environmental controversy concerning the proposed action. Significant new information leading to public controversy regarding the scope after the scoping process is such a changed circumstance. An additional public comment period may also be necessary after the publication of the draft EIS due to public controversy or changes made as the result of previous public comments. Such periods when additional public comments are sought shall last for at least 30 days.

§ 989.20 Final EIS.

(a) If changes in the draft EIS are minor or limited to factual corrections and responses to comments, the proponent and EPF may, with the prior approval of HQ USAF/ILEV and SAF/MIQ, prepare a document containing only comments on the Draft EIS, Air Force responses, and errata sheets of changes staffed to the HQ USAF ESOHC for coordination. However, the EPF must submit the Draft EIS and all of the above documents, with a new cover sheet indicating that it is a final EIS (40 CFR 1503.4(c)), to HQ USAF/ILEV for filing with the EPA (40 CFR 1506.9). If more extensive modifications are required, the EPF must prepare a preliminary final EIS incorporating these modifications for coordination within the Air Force. Regardless of which procedure is followed, the final EIS must be processed in the same way as the draft EIS, including receipt of copies of the EIS by SAF/LLP, except that the public need not be invited to comment during the 30-day post-filing waiting period. The Final EIS should be furnished to every person, organization, or agency that made substantive comments on the Draft EIS or requested a copy. Although the EPF is not required to respond to public comments received during this period, comments received must be considered in determining final decisions such as identifying the preferred alternative, appropriate mitigations, or if a supplemental analysis is required.

(b) The EPF processes all necessary supplements to EISs (40 CFR 1502.9) in the same way as the original Draft and Final EIS, except that a new scoping process is not required.

(c) If major steps to advance the proposal have not occurred within 5 years from the date of the Final EIS approval, reevaluation of the documentation should be accomplished to ensure its continued validity.

§ 989.21 Record of decision (ROD).

(a) The proponent and the EPF prepare a draft ROD, formally staff it through the MAJCOM EPC, to HQ USAF/ILEV for verification of adequacy, and forwards it to either SAF/MIQ or SAF/AQR, as the case may be, for approval and designation of the signator. A ROD (40 CFR 1505.2) is a concise public document stating what an agency's decision is on a specific action. The ROD may be integrated into any other document required to implement the agency's decision. A decision on a course of action may not be made until the later of the following dates:

(1) 90 days after publication of the DEIS; or

(2) 30 days after publication of the NOA of the Final EIS in the **Federal Register**.

(b) The Air Force must announce the ROD to the affected public as specified in § 989.23, except for classified portions. The ROD should be concise and should explain the conclusion, the reason for the selection, and the alternatives considered. The ROD must identify the course of action, whether it is the proposed action or an alternative, that is considered environmentally preferable regardless of whether it is the alternative selected for implementation. The ROD should summarize all the major factors the agency weighed in making its decision, including essential considerations of national policy.

(c) The ROD must state whether the selected alternative employs all practicable means to avoid, minimize, or mitigate environmental impacts and, if not, explain why.

§ 989.22 Mitigation.

(a) When preparing EIAP documents, indicate clearly whether mitigation measures (40 CFR 1508.20) must be implemented for the alternative selected. Discuss mitigation measures in terms of ''will'' and ''would'' when such measures have already been incorporated into the proposal. Use terms like ''may'' and ''could'' when proposing or suggesting mitigation measures. Both the public and the Air Force community need to know what commitments are being considered and selected, and who will be responsible for implementing, funding, and monitoring the mitigation measures.

(b) The proponent funds and implements mitigation measures in the mitigation plan that is approved by the decision-maker. Where possible and appropriate because of amount, the proponent should include the cost of mitigation as a line item in the budget for a proposed project. The proponent must ensure compliance with mitigation requirements, monitoring their effectiveness, and must keep the EPF informed of the mitigation status. The EPF reports its status, through the MAJCOM, to HQ USAF/ILEV when requested. Upon request, the EPF must also provide the results of relevant mitigation monitoring to the public.

(c) The proponent may ''mitigate to insignificance'' potentially significant environmental impacts found during preparation of an EA, in lieu of preparing an EIS. The FONSI for the EA must include these mitigation measures. Such mitigations are legally binding and must be carried out as the proponent implements the project. If, for any reason, the project proponent later abandons or revises in environmentally adverse ways the mitigation commitments made in the FONSI, the proponent must prepare a supplemental EIAP document before continuing the project. If potentially significant environmental impacts would result from any project revisions, the proponent must prepare an EIS.

(d) For each FONSI or ROD containing mitigation measures, the proponent prepares a plan specifically identifying each mitigation, discussing how the proponent will execute the mitigations, identifying who will fund and implement the mitigations, and stating when the proponent will complete the mitigation. The mitigation plan will be forwarded, through the MAJCOM EPF to HQ USAF/ILEV for review within 90 days from the date of signature of the FONSI or ROD.

§ 989.23 Contractor prepared documents.

All Air Force EIAP documents belong to and are the responsibility of the Air Force. EIAP correspondence and documents distributed outside of the Air Force should generally be signed out by Air Force personnel and documents should reflect on the cover sheet they are an Air Force document. Contractor preparation information should be contained within the document's list of preparers.

§ 989.24 Public notification.

(a) Except as provided in § 989.26, public notification is required for various aspects of the EIAP.

(b) Activities that require public notification include:

(1) An EA and FONSI.
(2) An EIS NOI.
(3) Public scoping meetings.
(4) Availability of the draft EIS.
(5) Public hearings on the draft EIS (which should be included in the NOA for the draft EIS).
(6) Availability of the final EIS.
(7) The ROD for an EIS.

(c) For actions of local concern, the list of possible notification methods in 40 CFR 1506.6(b)(3) is only illustrative. The EPF may use other equally effective means of notification as a substitute for any of the methods listed. Because many Air Force actions are of limited interest to persons or organizations outside the Air Force, the EPF may limit local notification to the SPOC, local government representatives, and local news media. For all actions covered under § 989.15(e)(2), and for all EIS notices, the public affairs office must purchase with EPF funds an advertisement in a prominent section of the local newspaper(s) of general circulation (not ''legal'' newspapers or ''legal section'' of general newspapers).

(d) For the purpose of EIAP, the EPF begins the time period of local notification when it sends written notification to the state SPOC or other equivalent agency (date of letter of notification).

§ 989.25 Base closure and realignment.

Base closure or realignment may entail special requirements for environmental analysis. The permanent base closure and realignment law, 10 U.S.C. 2687, requires a report to the Congress when an installation where at least 300 DoD civilian personnel are authorized to be employed is closed, or when a realignment reduces such an installation by at least 50 percent or 1,000 of such personnel, whichever is less. In addition, other base closure laws may be in effect during particular periods. Such nonpermanent closure laws frequently contain provisions limiting the extent of environmental analysis required for actions taken under them. Such provisions may also add requirements for studies not necessarily required by NEPA.

§ 989.26 Classified actions (40 CFR 1507.3(c)).

(a) Classification of an action for national defense or foreign policy purposes does not relieve the requirement of complying with NEPA. In classified matters, the Air Force must prepare and make available normal NEPA environmental analysis documents to aid in the decision-making process; however, Air Force staff must prepare, safeguard, and disseminate these documents according to established procedures for protecting classified documents. If an EIAP document must be classified, the Air Force may modify or eliminate associated requirements for public notice (including publication in the **Federal Register**) or public involvement in the EIAP. However, the Air Force should obtain comments on classified proposed actions or classified aspects of generally unclassified actions, from public agencies having jurisdiction by law or special expertise, to the extent that such review and comment is consistent with security requirements. Where feasible, the EPF may need to help appropriate personnel from those agencies obtain necessary security clearances to gain access to documents so they can comment on scoping or review the documents.

(b) Where the proposed action is classified and unavailable to the public, the Air Force may keep the entire NEPA process classified and protected under the applicable procedures for the classification level pertinent to the particular information. At times (for example, during weapons system development and base closures and realignments), certain but not all aspects of NEPA documents may later be declassified. In those cases, the EPF should organize the EIAP documents, to the extent practicable, in a way that keeps the most sensitive classified information (which is not expected to be released at any early date) in a separate annex that can remain classified; the rest of the EIAP documents, when declassified, will then be comprehensible as a unit and suitable for release to the public. Thus, the documents will reflect, as much as possible, the nature of the action and its environmental impacts, as well as Air Force compliance with NEPA requirements.

(c) Where the proposed action is not classified, but certain aspects of it need to be protected by security classification, the EPF should tailor the EIAP for a proposed action to permit as normal a level of public involvement as possible, but also fully protect the classified part of the action and environmental analysis. In some instances, the EPF can do this by keeping the classified sections of the EIAP documents in a separate, classified annex.

(d) For § 989.26(b) actions, an NOI or NOA will not be published in the **Federal Register** until the proposed action is declassified. For § 989.26(c) actions, the **Federal Register** will run an unclassified NOA which will advise the public that at some time in the future the Air Force may or will publicly release a declassified document.

(e) The EPF similarly protects classified aspects of FONSIs, RODs, or other environmental documents that are part of the EIAP for a proposed action, such as by preparing separate classified annexes to unclassified documents, as necessary.

(f) Whenever a proponent believes that EIAP documents should be kept classified, the EPF must make a report of the matter to SAF/MIQ, including proposed modifications of the normal EIAP to protect classified information. The EPF may make such submissions at whatever level of security classification is needed to provide a comprehensive understanding of the issues. SAF/MIQ, with support from SAF/GC and other staff elements as necessary, makes final decisions on EIAP procedures for classified actions.

§ 989.27 Occupational safety and health.

Assess direct and indirect impacts of proposed actions on the safety and health of Air Force employees and others at a work site. The EIAP document does not need to specify compliance procedures. However, the EIAP documents should discuss impacts that require a change in work practices to achieve an adequate level of health and safety.

§ 989.28 Airspace and range proposals.

(a) *EIAP Review.* Airspace and range proposals require review by HQ USAF/XOO prior to public announcement and preparation of the DOPAA. Unless directed otherwise, the airspace proponent will forward the DOPAA as an attachment to the proposal sent to HQ USAF/XOO.

(b) *Federal Aviation Administration.* The DoD and the Federal Aviation Administration (FAA) have entered into a Memorandum of Understanding (MOU) that outlines various airspace responsibilities. For purposes of compliance with NEPA, the DoD is the ''lead agency'' for all proposals initiated by DoD, with the FAA acting as the ''cooperating agency.'' Where airspace proposals initiated by the FAA affect military use, the roles are reversed. The proponent's action officers (civil engineering and local airspace management) must ensure that the FAA is fully integrated into the airspace proposal and related EIAP from the very beginning and that the action officers review the FAA's responsibilities as a cooperating agency. The proponent's airspace manager develops the preliminary airspace proposal per appropriate FAA handbooks and the FAA-DoD MOU. The preliminary

airspace proposal is the basis for initial dialogue between DoD and the FAA on the proposed action. A close working relationship between DoD and the FAA, through the FAA regional Air Force representative, greatly facilitates the airspace proposal process and helps resolve many NEPA issues during the EIAP.

§ 989.29 Force structure and unit move proposals.

Unless directed otherwise, the MAJCOM plans and programs proponent will forward a copy of all EAs for force structure and unit moves to HQ USAF/ILXB for information only at the preliminary draft and preliminary final stages.

§ 989.30 Air quality.

Section 176(c) of the Clean Air Act Amendments of 1990, 42 U.S.C. 7506(c), establishes a conformity requirement for Federal agencies which has been implemented by regulation, 40 CFR 93, Subpart B. All EIAP documents must address applicable conformity requirements and the status of compliance. Conformity applicability analyses and determinations are developed in parallel with EIAP documents, but are separate and distinct requirements and should be documented separately. To increase the utility of a conformity determination in performing the EIAP, the conformity determination should be completed prior to the completion of the EIAP so as to allow incorporation of the information from the conformity determination into the EIAP. See AFI 32–7040, Air Quality Compliance.[10]

§ 989.31 Pollution prevention.

The Pollution Prevention Act of 1990, 42 U.S.C. 13101(b), established a national policy to prevent or reduce pollution at the source, whenever feasible. Pollution prevention approaches should be applied to all pollution-generating activities. The environmental document should analyze potential pollution that may result from the proposed action and alternatives and must discuss potential pollution prevention measures when such measures are feasible for incorporation into the proposal or alternatives. Where pollution cannot be prevented, the environmental analysis and proposed mitigation measures should include, wherever possible, recycling, energy recovery, treatment, and environmentally safe disposal actions (see AFI 32–7080, Pollution Prevention Program [11]).

[10] See footnote 1 to § 989.1.

[11] See footnote 1 to § 989.1.

§ 989.32 Noise.

Aircraft noise data files used for analysis during EIAP will be submitted to HQ AFCEE for review and validation prior to public release, and upon completion of the EIAP for database entry. Utilize the current NOISEMAP computer program for air installations and the Assessment System for Aircraft Noise for military training routes and military operating areas. Guidance on standardized Air Force noise data development and analysis procedures is available from HQ AFCEE/EC. Develop EIAP land use analysis relating to aircraft noise impacts originating from air installations following procedures in AFI 32–7063, Air Installation Compatible Use Zone. Draft EIAP aircraft noise/land use analysis associated with air installations will be coordinated with the MAJCOM AICUZ program manager.

§ 989.33. Environmental justice.

During the preparation of environmental analyses under this instruction, the EPF should ensure compliance with the provisions of E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Memorandum of February 11, 1994, regarding E.O. 12898.

§ 989.34 Special and emergency procedures.

(a) *Special procedures.* During the EIAP, unique situations may arise that require EIAP strategies different than those set forth in this part. These situations may warrant modification of the procedures in this part. EPFs should only consider procedural deviations when the resulting process would benefit the Air Force and still comply with NEPA and CEQ regulations. EPFs must forward all requests for procedural deviations to HQ USAF/ILEV (or ANGRC/CEV) for review and approval by SAF/MIQ.

(b) *Emergency procedures (40 CFR 1506.11).* Emergency situations do not exempt the Air Force from complying with NEPA, but do allow emergency response while completing the EIAP. Certain emergency situations may make it necessary to take immediate action having significant environmental impact, without observing all the provisions of the CEQ regulations or this part. If possible, promptly notify HQ USAF/ILEV, for SAF/MIQ coordination and CEQ consultation, before undertaking emergency actions that would otherwise not comply with NEPA or this part. The immediate notification requirement does not apply where emergency action must be taken without delay. Coordination in this instance must take place as soon as practicable.

§ 989.35 Reporting requirements.

(a) EAs, EISs, and mitigation measures will be tracked at bases and MAJCOMs through an appropriate environmental management system.

(b) Proponents, EPFs, and public affairs offices may utilize the World Wide Web, in addition to more traditional means, to notify the public of availability of EAs and EISs. When possible, allow distribution of documents electronically. Public review comments should be required in writing, rather than by electronic mail.

(c) All documentation will be disposed of according to AFMAN 37–139, Records Disposition—Standards.[12]

§ 989.36 Waivers.

In order to deal with unusual circumstances and to allow growth in the NEPA process, SAF/MIQ may grant waivers to those procedures contained in this instruction not required by NEPA or the CEQ Regulations. Such waivers shall not be used to limit compliance with NEPA or the CEQ Regulations but only to substitute other, more suitable procedures relative to the context of the particular action. Such waivers may also be granted on occasion to allow experimentation in procedures in order to allow growth in the EIAP. This authority may not be delegated.

§ 989.37 Procedures for analysis abroad.

Procedures for analysis of environmental actions abroad are contained in 32 CFR Part 187. That directive provides comprehensive policies, definitions, and procedures for implementing E.O. 12114. For analysis of Air Force actions abroad, 32 CFR Part 187 will be followed.

§ 989.38 Requirements for analysis abroad.

(a) The EPF will generally perform the same functions for analysis of actions abroad that it performs in the United States. In addition to the requirements of 32 CFR Part 187, the following Air Force specific rules apply:

(b) For EAs dealing with global commons (geographic areas beyond the jurisdiction of the United States or any foreign nation), HQ USAF/ILEV will review actions that are above the MAJCOM approval authority. In this instance, approval authority refers to the same approval authority that would apply to an EA in the United States. The EPF documents a decision not to do an EIS.

[12] See footnote 1 to § 989.1.

(c) For EISs dealing with the global commons, the EPF provides sufficient copies to HQ USAF/ILEV for the HQ USAF ESOHC review and AFCEE/EC technical review. After ESOHC review, the EPF makes a recommendation as to whether the proposed draft EIS will be released as a draft EIS.

(d) For environmental studies and environmental reviews, forward, when appropriate, environmental studies and reviews to HQ USAF/ILEV for coordination among appropriate federal agencies. HQ USAF/ILEV makes environmental studies and reviews available to the Department of State and other interested federal agencies, and, on request, to the United States public, in accordance with 32 CFR Part 187. HQ USAF/ILEV also may inform interested foreign governments or furnish copies of studies, in accordance with 32 CFR Part 187.

Appendix A to Part 989—Glossary of References, Abbreviations, Acronyms, and Terms

References

Legislative

10 U.S.C. 2687, *Base Closures and Realignments*

42 U.S.C. 4321–4347, *National Environmental Policy Act of 1969*

42 U.S.C. 7506(c), *Clean Air Act Amendments of 1990*

42 U.S.C. 13101(b), *Pollution Prevention Act of 1990*

43 U.S.C. 155–158, *Engle Act*

Executive Orders

Executive Order 11988, *Floodplain Management*, May 24, 1977

Executive Order 11990, *Protection of Wetlands*, May 24, 1977

Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979

Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994

U.S. Government Agency Publications

Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR parts 1500–1508

Department of Defense Directive (DoDD) 4715.1, *Environmental Security*

Department of Defense Directive (DoDD) 6050.7, *Environmental Effects Abroad of Major Department of Defense Actions*, March 31, 1979 (32 CFR Part 187)

Department of Defense Instruction (DoDI) 4715.9, *Environmental Planning and Analysis*

DoDD 5000.1, *Defense Acquisition*

Department of Defense Regulation 5000.2–R, *Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems*

Air Force Publications

AFPD 32–70, *Environmental Quality*

AFI 32–1021, *Planning and Programming of Facility Construction Projects*

AFI 32–7002, *Environmental Information Management System*

AFI 32–7005, *Environmental Protection Committees*

AFI 32–7040, *Air Quality Compliance*

AFI 32–7062, *Air Force Comprehensive Planning*

AFI 32–7063, *Air Installation Compatible Use Zone Program*

AFI 32–7064, *Integrated Natural Resources Management*

AFI 32–7080, *Pollution Prevention Program*

AFI 35–202, *Environmental Community Involvement*

AFI 35–205, *Air Force Security and Policy Review Program*

AFMAN 37–139, *Records Disposition—Standards*

Abbreviations and Acronyms

Abbreviation or Acronym	Definition
AFCEE	Air Force Center for Environmental Excellence
AFCEE/EC	Air Force Center for Environmental Excellence/Environmental Conservation and Planning Directorate
AFI	Air Force Instruction
AFLSA/JACE	Air Force Legal Services Agency/Environmental Law and Litigation Division
AFLSA/JAJT	Air Force Legal Services Agency/Trial Judiciary Division
AFMAN	Air Force Manual
AFMOA/SG	Air Force Medical Operations Agency/Aerospace Medicine Office
AFPD	Air Force Policy Directive
AFRES	Air Force Reserve
ANG	Air National Guard
ANGRC	Air National Guard Readiness Center
CATEX	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOPAA	Description of Proposed Action and Alternatives
EA	Environmental Assessment
EIAP	Environmental Impact Analysis Process
EIS	Environmental Impact Statement
E.O.	Executive Order
EPA	Environmental Protection Agency
EPC	Environmental Protection Committee
EPF	Environmental Planning Function
ESOHC	Environmental Safety and Occupational Health Committee
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
FOA	Field Operating Agency
FONPA	Finding of No Practicable Alternative
FONSI	Finding of No Significant Impact
GSA	General Services Administration
HQ AFMC	Headquarters, Air Force Materiel Command
HQ USAF	Headquarters, United States Air Force
HQ USAF/ILE	The Air Force Civil Engineer
MAJCOM	Major Command
MGM	Materiel Group Manager
MOA	Military Operating Area
MOU	Memorandum of Understanding

Abbreviation or Acronym	Definition
MSL	Mean Sea Level
NEPA	National Environmental Policy Act of 1969
NGB–CF	National Guard Bureau Air Directorate
NGB–JA	National Guard Bureau Office of the Staff Judge Advocate
NGB–PA	National Guard Bureau Office of Public Affairs
NOA	Notice of Availability
NOI	Notice of Intent
OSD	Office of the Secretary of Defense
OSHA	Occupational Safety and Health Administration
PDEIS	Preliminary Draft Environmental Impact Statement
PGM	Product Group Manager
REO	Air Force Regional Environmental Office
ROD	Record of Decision
SAF/AQR	Deputy Assistant Secretary of the Air Force (Science, Technology, and Engineering)
SAF/GC	Air Force General Counsel
SAF/LL	Air Force Office of Legislative Liaison
SAF/MI	Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment
SAF/MIQ	Deputy Assistant Secretary of the Air Force (Environment, Safety, and Occupational Health)
SAF/PA	Air Force Office of Public Affairs
SJA	Staff Judge Advocate
SM	Single Manager
SPD	Single Program Director
SPOC	Single Point of Contact
TDY	Temporary Duty
U.S.C.	United States Code

Terms

Note: All definitions in the CEQ Regulations, 40 CFR part 1508, apply to this part. In addition, the following definitions apply:

Description of Proposed Action and Alternatives (DOPAA)—An Air Force document that is the framework for assessing the environmental impact of a proposal. It describes the purpose and need for the action, the alternatives to be considered, and the rationale used to arrive at the proposed action. The DOPAA often unfolds as writing progresses. The DOPAA can change during the internal scoping and public scoping process, especially as ideas and issues become clearer, and as new information makes changes necessary.

Environmental Impact Analysis Process (EIAP)—The Air Force program that implements the requirements of NEPA and requirements for analysis of environmental effects abroad under E.O. 12114.

Finding of No Practicable Alternative (FONPA)—Finding contained in a FONSI or ROD, according to Executive Orders 11988 and 11990, that explains why there are no practicable alternatives to an action affecting a wetland or floodplain, based on appropriate EIAP analysis or other documentation.

Interdisciplinary—An approach to environmental analysis involving more than one discipline or branch of learning.

Pollution Prevention—''Source reduction,'' as defined under the Pollution Prevention Act, and other practices that reduce or eliminate pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or in the protection of natural resources by conservation.

Proponent—Any office, unit, or activity that proposes to initiate an action.

Scoping—A process for proposing alternatives to be addressed and for identifying the significant issues related to a proposed action. Scoping includes affirmative efforts to communicate with other federal agencies, state, Tribal, and local governments, and the public.

Single Manager—Any one of the Air Force designated weapon system program managers, that include System Program Directors (SPDs), Product Group Managers (PGMs), and Materiel Group Managers (MGMs).

United States—All states, commonwealths, the District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include American Samoa, Guam, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, Palmyra Island, the Virgin Islands, and Wake Island.

Appendix B to Part 984—Categorical Exclusions

A2.1. Proponent/EPF Responsibility

Although a proposed action may qualify for a categorical exclusion from the requirements for environmental impact analysis under NEPA, this exclusion does not relieve the EPF or the proponent of responsibility for complying with all other environmental requirements related to the proposal, including requirements for permits, state regulatory agency review of plans, and so on.

A2.2. Additional Analysis

Circumstances may arise in which usually categorically excluded actions may have a significant environmental impact and, therefore, may generate a requirement for further environmental analysis. Examples of situations where such unique circumstances may be present include:

A2.2.1. Actions of greater scope or size than generally experienced for a particular category of action.

A2.2.2. Potential for degradation (even though slight) of already marginal or poor environmental conditions.

A2.2.3. Initiating a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

A2.2.4. Use of unproved technology.

A2.2.5. Use of hazardous or toxic substances that may come in contact with the surrounding environment.

A2.2.6. Presence of threatened or endangered species, archaeological remains, historical sites, or other protected resources.

A2.2.7. Proposals adversely affecting areas of critical environmental concern, such as prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, floodplains, or wild and scenic river areas.

A2.2.8. Proposals with disproportionately high and adverse human health or environmental effects on minority populations or low-income populations.

A2.3. CATEX List

Actions that are categorically excluded in the absence of unique circumstances are:

A2.3.1. Routine procurement of goods and services.

A2.3.2. Routine Commissary and Exchange operations.

A2.3.3. Routine recreational and welfare activities.

A2.3.4. Normal personnel, fiscal or budgeting, and administrative activities and decisions including those involving military and civilian personnel (for example, recruiting, processing, paying, and records keeping).

A2.3.5. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that do not, themselves, result in an action being taken.

A2.3.6. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that implement (without substantial change) the regulations,

instructions, directives, or guidance documents from higher headquarters or other Federal agencies with superior subject matter jurisdiction.

A2.3.7. Continuation or resumption of pre-existing actions, where there is no substantial change in existing conditions or existing land uses and where the actions were originally evaluated in accordance with applicable law and regulations, and surrounding circumstances have not changed.

A2.3.8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

A2.3.9. Repairing and replacing real property installed equipment.

A2.3.10. Routine facility maintenance and repair that does not involve disturbing significant quantities of hazardous materials such as asbestos and lead-based paint.

A2.3.11. Actions similar to other actions which have been determined to have an insignificant impact in a similar setting as established in an EIS or an EA resulting in a FONSI. The EPF must document application of this CATEX on AF Form 813, specifically identifying the previous Air Force approved environmental document which provides the basis for this determination.

A2.3.12. Installing, operating, modifying, and routinely repairing and replacing utility and communications systems, data processing cable, and similar electronic equipment that use existing rights of way, easements, distribution systems, or facilities.

A2.3.13. Installing or modifying airfield operational equipment (such as runway visual range equipment, visual glide path systems, and remote transmitter or receiver facilities) on airfield property and usually accessible only to maintenance personnel.

A2.3.14. Installing on previously developed land, equipment that does not substantially alter land use (i.e., land use of more than one acre). This includes outgrants to private lessees for similar construction. The EPF must document application of this CATEX on AF Form 813.

A2.3.15. Laying-away or mothballing a production facility or adopting a reduced maintenance level at a closing installation when (1) agreement on any required historic preservation effort has been reached with the state historic preservation officer and the Advisory Council on Historic Preservation, and (2) no degradation in the environmental restoration program will occur.

A2.3.16. Acquiring land and ingrants (50 acres or less) for activities otherwise subject to CATEX. The EPF must document application of this CATEX on AF Form 813.

A2.3.17. Transferring land, facilities, and personal property for which the General Services Administration (GSA) is the action agency. Such transfers are excluded only if there is no change in land use and GSA complies with its NEPA requirements.

A2.3.18. Transferring administrative control of real property within the Air Force or to another military department or to another Federal agency, not including GSA, including returning public domain lands to the Department of the Interior.

A2.3.19. Granting easements, leases, licenses, rights of entry, and permits to use Air Force controlled property for activities that, if conducted by the Air Force, could be categorically excluded in accordance with this attachment. The EPF must document application of this CATEX on AF Form 813.

A2.3.20. Converting in-house services to contract services.

A2.3.21. Routine personnel decreases and increases, including work force conversion to either on-base contractor operation or to military operation from contractor operation (excluding base closure and realignment actions which are subject to congressional reporting under 10 U.S.C. 2687).

A2.3.22. Routine, temporary movement of personnel, including deployments of personnel on a TDY basis where existing facilities are used.

A2.3.23. Personnel reductions resulting from workload adjustments, reduced personnel funding levels, skill imbalances, or other similar causes.

A2.3.24. Study efforts that involve no commitment of resources other than personnel and funding allocations.

A2.3.25. The analysis and assessment of the natural environment without altering it (inspections, audits, surveys, investigations). This CATEX includes the granting of any permits necessary for such surveys, provided that the technology or procedure involved is well understood and there are no adverse environmental impacts anticipated from it. The EPF must document application of this CATEX on AF Form 813.

A2.3.26. Undertaking specific investigatory activities to support remedial action activities for purposes of cleanup of Defense Environmental Restoration Program (DERP) and Resource Conservation and Recovery Act (RCRA) corrective action sites. These activities include soil borings and sampling, installation, and operation of test or monitoring wells. This CATEX applies to studies that assist in determining final cleanup actions when they are conducted in accordance with legal agreements, administrative orders, or work plans previously agreed to by EPA or state regulators.

A2.3.27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

A2.3.28. Routine transporting of hazardous materials and wastes in accordance with applicable Federal, state, interstate, and local laws.

A2.3.29. Emergency handling and transporting of small quantities of chemical surety material or suspected chemical surety material, whether or not classified as hazardous or toxic waste, from a discovery site to a permitted storage, treatment, or disposal facility.

A2.3.30. Immediate responses to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention and Response Plan or Spill Contingency Plan or that are otherwise consistent with the requirements of the National Contingency Plan.

A2.3.31. Relocating a small number of aircraft to an installation with similar aircraft that does not result in a significant increase of total flying hours or the total number of aircraft operations, a change in flight tracks, or an increase in permanent personnel or logistics support requirements at the receiving installation. Repetitive use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts. The EPF must document application of this CATEX on AF Form 813.

A2.3.32. Temporary (for less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate or increases of 50 operations a day, whichever is greater. Repetitive use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts.

A2.3.33. Flying activities that comply with the Federal aviation regulations, that are dispersed over a wide area and that do not frequently (more than once a day) pass near the same ground points. This CATEX does not cover regular activity on established routes or within special use airspace.

A2.3.34. Supersonic flying operations over land and above 30,000 feet MSL, or over water and above 10,000 feet MSL and more than 15 nautical miles from land.

A2.3.35. Formal requests to the FAA, or host-nation equivalent agency, to establish or modify special use airspace (for example, restricted areas, warning areas, military operating areas) and military training routes for subsonic operations that have a base altitude of 3,000 feet above ground level or higher. The EPF must document application of this CATEX on AF Form 813, which must accompany the request to the FAA.

A2.3.36. Adopting airfield approach, departure, and en route procedures that are less than 3,000 feet above ground level, and that also do not route air traffic over noise-sensitive areas, including residential neighborhoods or cultural, historical, and outdoor recreational areas. The EPF may categorically exclude such air traffic patterns at or greater than 3,000 feet above ground level regardless of underlying land use.

A2.3.37. Participating in ''air shows'' and fly-overs by Air Force aircraft at non-Air Force public events after obtaining FAA coordination and approval.

A2.3.38. Conducting Air Force ''open houses'' and similar events, including air shows, golf tournaments, home shows, and the like, where crowds gather at an Air Force installation, so long as crowd and traffic control, etc., have not in the past presented significant safety or environmental impacts.

Appendix C to Part 989—Procedures for Holding Public Hearings on Draft Environmental Impact Statements (EIS)

A.3.1. General Information

A3.1.1. The Office of the Judge Advocate General, through the Air Force Legal Services Agency/Trial Judiciary Division (AFLSA/JAJT) and its field organization, is responsible for conducting public hearings and assuring verbatim transcripts are accomplished.

A3.1.2. The EPF, with proponent, AFLSA/JAJT, and Public Affairs support, establishes the date and location, arranges for hiring the court reporter, funds temporary duty costs for

the hearing officer, makes logistical arrangements (for example, publishing notices, arranging for press coverage, obtaining tables and chairs, etc.).

A3.1.3. The procedures outlined below have proven themselves through many prior applications. However, there may be rare instances when circumstances warrant conducting public hearings under a different format, e.g., public/town meeting, information booths, third party moderator, etc. In these cases, forward a request with justification to deviate from these procedures to USAF/ILEVP for SAF/MIQ approval.

A3.2. Notice of Hearing (40 CFR 1506.6)

A3.2.1. Public Affairs officers:

A3.2.1.1. Announce public hearings and assemble a mailing list of individuals to be invited.

A3.2.1.2. Distribute announcements of a hearing to all interested individuals and agencies, including the print and electronic media.

A3.2.1.3. Place a newspaper display advertisement announcing the time and place of the hearing as well as other pertinent particulars.

A3.2.1.4. Distribute the notice in a timely manner so it will reach recipients or be published at least 15 days before the hearing date. Distribute notices fewer than 15 days before the hearing date when you have substantial justification and if the justification for a shortened notice period appears in the notice.

A3.2.1.5. Develop and distribute news release.

A3.2.2. If an action has effects of national concern, publish notices in the **Federal Register** and mail notices to national organizations that have an interest in the matter.

A3.2.2.1. Because of the longer lead time required by the **Federal Register**, send out notices for publication in the **Federal Register** to arrive at HQ USAF/CEV no later than 30 days before the hearing date.

A3.2.3. The notice should include:

A3.2.3.1. Date, time, place, and subject of the hearing.

A3.2.3.2. A description of the general format of the hearing.

A3.2.3.3. The name and telephone number of a person to contact for more information.

A3.2.3.4. A suggestion that speakers submit (in writing or by return call) their intention to participate, with an indication of which environmental impact (or impacts) they wish to address.

A3.2.3.5. Any limitation on the length of oral statements.

A3.2.3.6. A suggestion that speakers submit statements of considerable length in writing.

A3.2.3.7. A summary of the proposed action.

A3.2.3.8. The location where the draft EIS and any appendices are available for examination.

A.3.3. Availability of the Draft EIS to the Public.

The EPF makes copies of the Draft EIS available to the public at an Air Force installation and other reasonably accessible place in the vicinity of the proposed action and public hearing (e.g., public library).

A3.4. Place of the Hearing

The EPF arranges to hold the hearing at a time and place and in an area readily accessible to military and civilian organizations and individuals interested in the proposed action. Generally, the EPF should arrange to hold the hearing in an off-base civilian facility, which is more accessible to the public.

A3.5. Hearing Officer

A3.5.1. The AFLSA/JAJT selects a military trial judge to preside over hearings. The hearing officer does not need to have personal knowledge of the project, other than familiarity with the Draft EIS. In no event should the hearing officer be a judge advocate from the proponent or subordinate command, be assigned to the same installation with which the hearing is concerned, or have participated personally in the development of the project, or have rendered legal advice or assistance with respect to it (or be expected to do so in the future). The principal qualification of the hearing officer should be the ability to conduct a hearing as an impartial participant.

A3.5.2. The primary duties of the hearing officer are to make sure that the hearing is orderly, is recorded, and that interested parties have a reasonable opportunity to speak. The presiding officer should direct the speakers' attention to the purpose of the hearing, which is to consider the environmental impacts of the proposed project. Speakers should have a time limit to ensure maximum public input to the decision-maker.

A3.6. Record of the Hearing

The EIS preparation team must make sure a verbatim transcribed record of the hearing is prepared, including all stated positions, all questions, and all responses. The EIS preparation team should append all written submissions that parties provide to the hearing officer during the hearing to the record as attachments. The EIS preparation team should also append a list of persons who spoke at the hearing and submitted written comments and a list of the organizations or interests they represent with addresses. The EIS preparation team must make sure a verbatim transcript of the hearing is provided to the EPF for inclusion as an appendix to the Final EIS. The officer should also ensure that all persons who request a copy of the transcript get a copy when it is completed. Copying charges are determined according to 40 CFR 1506.6(f).

A3.7. Hearing Format

Use the format outlined below as a general guideline for conducting a hearing. Hearing officers should tailor the format to meet the hearing objectives. These objectives provide information to the public, record opinions of interested persons on environmental impacts of the proposed action, and set out alternatives for improving the EIS and for later consideration.

A3.7.1. Record of Attendees. The hearing officer should make a list of all persons who wish to speak at the hearing to help the hearing officer in calling on these individuals, to ensure an accurate transcript of the hearing, and to enable the officer to send a copy of the Final EIS (40 CFR 1502.19) to any person, organization, or agency that provided substantive comments at the hearing. The hearing officer should assign assistants to the entrance of the hearing room to provide cards on which individuals can voluntarily write their names, addresses, telephone numbers, organizations they represent, and titles; whether they desire to make a statement at the hearing; and what environmental area(s) they wish to address. The hearing officer can then use the cards to call on individuals who desire to make statements. However, the hearing officer will not deny entry to the hearing or the right to speak to people who decline to submit this information on cards.

A3.7.2. Introductory Remarks. The hearing officer should first introduce himself or herself and the EIS preparation team. Then the hearing officer should make a brief statement on the purpose of the hearing and give the general ground rules on how it will be conducted. This is the proper time to welcome any dignitaries who are present. The hearing officer should explain that he or she does not make any recommendation or decision on whether the proposed project should be continued, modified, or abandoned or how the EIS should be prepared.

A3.7.3. Explanation of the Proposed Action. The Air Force EIS preparation team representative should next explain the proposed action, the alternatives, the potential environmental consequences, and the EIAP.

A3.7.4. Questions by Attendees. After the EIS team representative explains the proposed action, alternatives, and consequences, the hearing officer should give attendees a chance to ask questions to clarify points they may not have understood. The EIS preparation team may have to reply in writing, at a later date, to some of the questions. While the Air Force EIS preparation team should be as responsive as possible in answering questions about the proposal, they should not become involved in debate with questioners over the merits of the proposed action. Cross-examination of speakers, either those of the Air Force or the public, is not the purpose of an informal hearing. If necessary, the hearing officer may limit questioning or conduct portions of the hearing to ensure proper lines of inquiry. However, the hearing officer should include all questions in the hearing record.

A3.7.5. Statement of Attendees. The hearing officer must give the persons attending the hearing a chance to present oral or written statements. The hearing officer should be sure the recorder has the name and address of each person who submits an oral or written statement. The officer should also permit the attendees to submit written statements within a reasonable time, usually two weeks, following the hearing. The officer should allot a reasonable length of time at the hearing for receiving oral statements. The officer may waive any announced time limit at his or her discretion. The hearing officer may allow those who have not previously indicated a desire to speak to identify themselves and be recognized only after those who have previously indicated their intentions to speak have spoken.

A3.7.6. Ending or Extending a Hearing. The hearing officer has the power to end the hearing if the hearing becomes disorderly, if the speakers become repetitive, or for other good cause. In any such case, the hearing officer must make a statement for the record on the reasons for terminating the hearing. The hearing officer may also extend the hearing beyond the originally announced date and time. The officer should announce the extension to a later date or time during the hearing and prior to the hearing if possible.

A3.8. Adjourning the Hearing

After all persons have had a chance to speak, when the hearing has culled a representative view of public opinion, or when the time set for the hearing and any reasonable extension of time has ended, the hearing officer adjourns the hearing. In certain circumstances (for example, if the hearing officer believes it is likely that some participants will introduce new and relevant information), the hearing officer may justify scheduling an additional, separate hearing session. If the hearing officer makes the decision to hold another hearing while presiding over the original hearing he or she should announce that another public hearing will be scheduled or is under consideration. The officer gives notice of a decision to continue these hearings in essentially the same way he or she announced the original hearing, time permitting. The Public Affairs officer provides the required public notices and directs notices to interested parties in coordination with the hearing officer. Because of lead-time constraints, SAF/MIQ may waive **Federal Register** notice requirements or advertisements in local publications. At the conclusion of the hearing, the hearing officer should inform the attendees of the deadline (usually 2 weeks) to submit additional written remarks in the hearing record. The officer should also notify attendees of the deadline for the commenting period of the Draft EIS.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–17684 Filed 7–14–99; 8:45 am]

BILLING CODE 5001–05–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 6103

Rules of Procedure for Transportation Rate Cases

AGENCY: Board of Contract Appeals, GSA.

ACTION: Final rule.

SUMMARY: This document contains nomenclature changes to the rules of procedure of the GSA Board of Contract Appeals applicable to the Board's review of claims made by a carrier or freight forwarder pursuant to 31 U.S.C. 3726(g)(1). The General Services Administration Office of Transportation Audits (OTA) has been renamed the Audit Division of the General Services Administration Office of Transportation and Property Management (the Audit Division). All references in the Board's rules to ''OTA'' are changed to ''the Audit Division.'' This rule also revises the authority citation for Part 6103.

EFFECTIVE DATE: July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Margaret S. Pfunder, Deputy Chief Counsel, GSA Board of Contract Appeals, telephone (202) 501–0272, Internet address Margaret.Pfunder@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

B. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose record keeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501, *et seq.*

D. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 48 CFR part 6103

Administrative practice and procedure, Freight forwarders, Government procurement.

For the reasons set forth in the preamble, 41 CFR part 6103 is amended as follows:

PART 6103—RULES OF PROCEDURE FOR TRANSPORTATION RATE CASES

1. The authority citation for part 6103 is revised to read as follows:

Authority: 31 U.S.C. 3726(g)(1); 41 U.S.C. 601–613; Sec. 202(o), Pub. L. 104–316, 110 Stat. 3826.

6103.1 [Amended]

2. Section 6103.1 is amended in paragraph (a) by removing the citation ''201(o)'' and adding in its place the citation ''202(o)'' and in paragraph (b) by removing the words ''General Services Administration Office of Transportation Audits (OTA)'' and adding in their place the words ''Audit Division of the General Services Administration Office of Transportation and Property Management (the Audit Division)''.

6103.2 [Amended]

3. Section 6103.2 is amended in paragraph (a)(5) by removing the acronym ''OTA'' and inserting in its place the words ''Audit Division'', and in paragraphs (c) and (d) by removing the acronym ''OTA'' wherever it appears and adding in its place the words ''the Audit Division''.

6103.3 [Amended]

4. Section 6103.3 is amended by removing the acronym ''OTA'' wherever it appears and adding in its place the words ''the Audit Division.''

5. Section 6103.4 is revised to read as follows:

6103.4 Reply to Audit Division and agency responses [Rule 304].

A claimant may file with the Board and serve on the Audit Division and the agency a reply to the Audit Division and agency responses within 30 calendar days after receiving the responses (or within 60 calendar days after receiving the responses, if the claimant is located outside the 50 states and the District of Columbia). To expedite proceedings, if the claimant does not wish to respond, the claimant should so notify the Board, the Audit Division, and the agency.

6103.5 [Amended]

6. Section 6103.5 is amended by removing the acronym ''OTA'' wherever it appears and adding in its place the words ''the Audit Division''.

6103.6 [Amended]

7. Section 6103.6 is amended by removing the acronym ''OTA'' wherever it appears and adding in its place the words ''the Audit Division''.

6103.7 [Amended]

8. Section 6103.7 is amended by removing the acronym ''OTA'' and adding in its place the words ''the Audit Division''.

Dated: July 12, 1999.

Stephen M. Daniels,

Chairman.

[FR Doc. 99–18114 Filed 7–14–99; 8:45 am]

BILLING CODE 6820–AL–P

Proposed Rules

Federal Register
Vol. 64, No. 135
Thursday, July 15, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1131

[DA–99–05]

Milk in the Central Arizona Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; suspension.

SUMMARY: This document invites written comments on a proposal to suspend until completion of Federal Order Reform certain sections of the Central Arizona Federal milk marketing order at the beginning of the next marketing period. The proposed rule would reinstate a suspension that expired on March 31, 1999, which eliminates the requirement that a cooperative association that operates a manufacturing plant ship at least 50 percent of its receipts to other handler pool plants to maintain pool status of its manufacturing plant. United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the producers who supply milk to the Central Arizona market, has requested continuation of the suspension. UDA asserts that the suspension is necessary to prevent the uneconomical and inefficient movements of milk.

DATES: Comments must be submitted on or before July 22, 1999.

ADDRESSES: Comments (two copies) should be filed with USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456. Advance, unofficial copies of such comments may be faxed to (202) 690–0552. Reference should be given to the title of action and docket number.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368, e-mail address: clifford.carman@usda.gov.

SUPPLEMENTARY INFORMATION: The Department is issuing this proposed rule in conformance with Executive Order 12866.

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

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service considered the economic impact of this action on small entities and has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. For the purposes of determining which dairy farms are ''small businesses,'' the $500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of March 1999, the milk of 100 producers was pooled on the Central Arizona milk order. Of these producers, 3 produced below the 326,000-pound production guideline and are considered small businesses. Of the total number of producers whose milk was pooled during that month, 97 were members of UDA and 3 were independent producers.

For March 1999, there were 5 handlers operating pool plants under the Central Arizona milk order. Of these handlers, 2 are considered small businesses.

This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provision of the order regulating the handling of milk in the Central Arizona marketing area is being considered until completion of Federal Order Reform:

In § 1131.7, paragraph (c), the words ''50 percent or more of'', ''(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)'', and ''or the previous 12-month period ending with the current month.''

All persons who want to submit written data, views or arguments about the proposed suspension should send

two copies of their views to USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the start of the next marketing period.

All written submissions made pursuant to this notice will be made available for public inspection in Dairy Programs during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend certain provisions of the Central Arizona order until completion of Federal Order Reform. The proposed suspension would remove the requirement that a cooperative association which operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

Reinstatement of the suspension which expired on March 31, 1999, was requested by United Dairymen of Arizona (UDA), a cooperative association which represents nearly all of the dairy farmers who supply the Central Arizona market. UDA contends that the pool status of their manufacturing plant would be threatened if the suspension is not reinstated. UDA states that the same marketing conditions that warranted the suspension for the past four years still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso. Absent a suspension, UDA projects that costly and inefficient movements of milk would have to be made to maintain the pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

Accordingly, it may be appropriate to suspend the aforesaid provisions at the beginning of the next marketing period until completion of Federal Order Reform.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

The authority citation for 7 CFR Part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Dated: July 9, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99–18051 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 98–121–1]

Animal Welfare; Draft Policy on Environment Enhancement for Nonhuman Primates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Draft policy statement and request for comments.

SUMMARY: Under the Animal Welfare Act, our regulations require that dealers, exhibitors, and research facilities that maintain nonhuman primates develop and follow a plan for environment enhancement adequate to promote the psychological well-being of the nonhuman primates. We have developed a draft policy to clarify what we believe must be considered and included in the plan in order for dealers, exhibitors, and research facilities to adequately promote the psychological well-being of nonhuman primates. We are seeking public comment on the draft policy before we implement it.

DATES: We invite you to comment. We will consider all comments that we receive by September 13, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–121–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–121–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Natalie Roberts, Ph.D., Program Evaluation and Monitoring, PPD, APHIS, 4700 River Road Unit 120, Riverdale, MD 20737–1234, (301) 734–8937; or e-mail: Natalie.A.Roberts@usda.gov.

SUPPLEMENTARY INFORMATION: The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, exhibitors, and other regulated entities. The Secretary of Agriculture has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. The APHIS Animal Care program ensures compliance with the AWA regulations by conducting inspections of premises with regulated animals.

Subpart D of 9 CFR part 3 contains requirements for the humane handling, care, treatment, and transportation of nonhuman primates. Under subpart D, § 3.81 requires that dealers, exhibitors, and research facilities that maintain nonhuman primates develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates. Section 3.81 further requires that the plan be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian. At a minimum, § 3.81 requires the plan to address:

- The social needs of nonhuman primates known to exist in social groups;
- Enrichment of the physical environment of the nonhuman primates by providing means of expressing noninjurious species-typical behavior;
- Special considerations for infant and young nonhuman primates; nonhuman primates that show signs of psychological distress, are restricted in their activities, or are individually housed; and great apes weighing over 110 lbs.

Further guidance and specific examples are provided in § 3.81 for determining when social grouping of nonhuman primates is inappropriate and ways to provide environmental enrichment. In

addition, § 3.81 places restrictions on the use of restraint devices and prescribes when and how individual nonhuman primates may be exempted from participation in the plan.

History of APHIS Regulations on Psychological Well-Being of Nonhuman Primates

The regulations in § 3.81 were established as part of a final rule published in the **Federal Register** on February 15, 1991 (56 FR 6426–6505, Docket No. 90–218). The final rule stipulated that plans for promoting the psychological well-being of nonhuman primates must be implemented by August 14, 1991. The establishment of these regulations was in response to amendments to the Animal Welfare Act made by Congress in 1985. Among other things, the 1985 amendments directed the Secretary of Agriculture to promulgate new regulations for a physical environment adequate to promote the psychological well-being of nonhuman primates.

Nonhuman primates include more than 240 species, ranging from the tiny marmoset to great apes. They live in different habitats in nature, and their nutritional, activity, social, and environmental requirements vary. As a result, the conditions appropriate for one species do not necessarily apply to another. In addition, the 1985 amendments to the Animal Welfare Act, while mandating that we establish regulations for a physical environment adequate to promote the psychological well-being of nonhuman primates, did not give us the authority to interfere with actual research.

With these things in mind, we intentionally made the regulations regarding promotion of psychological well-being flexible. The regulations we established in § 3.81 are performance standards, meaning they state a goal that must be met (an environment adequate to promote the psychological well-being of nonhuman primates) and provide minimum requirements on how to meet the goal. Within the minimum requirements, dealers, exhibitors, and research facilities have the flexibility to develop a plan that will address the specific needs of the nonhuman primates they maintain and, for research facilities, that will address the scientific needs of research.

Further, what constitutes psychological well-being in each species and each primate does not lend itself to precise definition. After consultation with primate experts and using the accepted professional standards available at the time, we based the regulations on the concept that, to promote the psychological well-being of nonhuman primates, a balance of several factors or areas of concern must be addressed. As noted above, this concept, as set forth in § 3.81, involves providing methods of social interaction with other nonhuman primates or humans; providing methods to physically and mentally stimulate the nonhuman primates and occupy some of their time; and considering the special needs of certain nonhuman primates, such as infants and young juveniles or great apes. Stipulating areas of concern that must be addressed, as opposed to more rigid design standards, allows dealers, exhibitors, and research facilities flexibility to tailor the plan so that it is appropriate to the species or individual being maintained.

The performance standards in § 3.81 require first and foremost that the plan for environment enhancement be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian. This allows flexibility for dealers, exhibitors, and research facilities in developing their guides as advances are made in the understanding of ways to assess and promote psychological well-being in nonhuman primates.

Draft Policy on Psychological Well-Being of Nonhuman Primates

In 1996, after 5 years of experience enforcing § 3.81, we evaluated the effectiveness of the performance standards by surveying our inspectors about their experience in reviewing environment enhancement plans developed under § 3.81. The results of our evaluation indicated that dealers, exhibitors, and research facilities did not necessarily understand how to develop an environment enhancement plan that would adequately promote the psychological well-being of nonhuman primates. In addition, there has been considerable disagreement in various sectors of the public over the adequacy of the performance standards in § 3.81, as well as confusion among the regulated public concerning on what basis they will be judged by inspectors as meeting or not meeting the requirements. Our inspectors requested information and clarification on how to judge whether someone was meeting the requirements in § 3.81.

While we continue to believe that the flexibility of the performance standards in § 3.81 is in the best interests of the animals covered by the regulations, we do believe that additional information on how to meet the standards in § 3.81 is necessary. We have, therefore, developed a draft policy on environment enhancement for nonhuman primates. The draft policy appears at the end of this document. We intend this policy to be used by dealers, exhibitors, and research facilities as a basis in developing plans under § 3.81 for environment enhancement to promote the psychological well-being of nonhuman primates.

We based the draft policy on an extensive review of the available primate literature, professional journals, and reference guides. We also consulted veterinarians, primatologists, and our inspectors. The draft policy represents what we believe are the currently accepted professional standards for promoting the psychological well-being of nonhuman primates through enhancement of the primates' environment. We believe this draft policy will assist regulated entities by clarifying what actions we consider necessary in order to comply with the requirements of § 3.81.

We state in the draft policy that dealers, exhibitors, and research facilities who house nonhuman primates will meet the requirements of § 3.81 if they develop and follow environment enhancement plans that are in accordance with the draft policy. However, we recognize that there may be other options that would also meet the requirements of § 3.81. Our adoption of this draft policy would not prevent regulated entities from developing practices other than those in the draft policy, as long as those practices meet the requirements of § 3.81. Likewise, our adoption of this draft policy would not prevent regulated entities from using alternative sources or research materials in developing their environment enhancement plans, as long as the resulting plans meet the requirements of § 3.81. If a dealer, exhibitor, or research facility wants assurance that an alternative plan (not in accordance with the draft policy) is in compliance with § 3.81, they may request approval of the plan in writing from the Deputy Administrator of Animal Care.

The draft policy identifies five general elements that we believe are critical to environments that adequately promote the psychological well-being of nonhuman primates: Social grouping, social needs of infants, structure and substrate, foraging opportunities, and manipulanda. These five elements are represented in the minimum requirements in § 3.81 concerning social grouping and environmental enrichment. The five elements, and detailed information provided for each, describe what we believe to be the currently accepted professional

standards to meet the minimum requirements in § 3.81. We also state in the draft policy that facilities are encouraged to explore additional elements and innovations and to exceed the requirements of the draft policy and the regulations.

In addition, we have prepared a report that describes the scientific basis for the draft policy and the methods we used in developing the draft policy, including a literature review and discussion and a list of references. You can obtain a copy of this report by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** at the beginning of this document. The report can also be viewed at any Animal Care Regional Office and in our comment reading room. The address for our comment reading room appears in the **ADDRESSES** section at the beginning of this document. Finally, the report is posted on the Animal Care home page at http://www.aphis.usda.gov/ac/info.html.

We are seeking public comment on the content of the draft policy before we implement it. The draft policy is as follows:

Draft Policy on Environment Enhancement for the Psychological Well-Being of Nonhuman Primates

The regulations in 9 CFR 3.81 require that dealers, exhibitors, and research facilities develop, document and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates, and that the plan be in accordance with currently accepted professional standards as cited in appropriate professional journals or reference guides and as directed by the attending veterinarian. We have developed this policy to clarify what we believe must be considered and included in an environment enhancement plan developed under § 3.81 in order to meet the requirement of adequately promoting the psychological well-being of nonhuman primates. We have based this policy on a review of the available primate literature, professional journals and reference guides, and the collective experience of field inspectors, veterinarians, and primatologists.

Dealers, exhibitors, and research facilities who house nonhuman primates will meet the requirements of § 3.81 if they develop and follow an environment enhancement plan (referred to below as ''plan'') in accordance with this policy. If a plan is not developed in accordance with this policy, the plan may or may not meet the requirements of § 3.81. If a dealer, exhibitor, or research facility wants assurance that an alternative plan (not in accordance with this policy) is in compliance with § 3.81, they may request approval of the plan in writing from the Deputy Administrator of Animal Care.

Based on our research, we have identified five elements that are critical to environments that adequately promote the psychological well-being of nonhuman primates:

A. Social Grouping
B. Social Needs of Infants
C. Structure and Substrate
D. Foraging Opportunities
E. Manipulanda

The remainder of this policy contains what we believe are the currently accepted professional standards to address these five critical elements, based on our research and review of the available literature, as explained above. The first two critical elements, Social Grouping and Social Needs of Infants, are a clarification of § 3.81(a), which deals with the impact of social grouping on psychological well-being. Structure and Substrate, Foraging Opportunities, and Manipulanda are critical elements which clarify § 3.81(b), Environmental Enrichment.

Facilities are encouraged to explore additional elements and innovations and to exceed what is in this policy.

A. Social Grouping

Section 3.81(a) requires that a plan must address the social needs of nonhuman primates of species known to exist in social groups in nature. According to our research, primates are clearly social beings and social housing is the most appropriate way to promote normal social behavior and meet social needs. In order to address the social needs of nonhuman primates under § 3.81(a), the plan must provide for each primate of a species known to be social in nature to be housed with other primates whenever possible. The housing options listed below are listed in a hierarchy of preference, with group housing being the most desirable plan. Housing should maximize opportunities for a full range of species-appropriate contact, except that reproduction may be limited or prevented entirely. Social housing should be designed to reduce the risk of injury from others in the enclosure. Compatibility must be determined as described in 9 CFR 3.81(a)(3). Housing options include:

1. Housing in an enclosure with one or more compatible primates. For group-living species, species-typical groupings are strongly encouraged.

2. Housing in an enclosure without another compatible primate, but with the animal having the opportunity for continuous visual, auditory, olfactory, and tactile contact with another compatible primate (such as through adjacent wire mesh or bars). For primate species in which grooming other primates is an important social function, sufficient tactile contact range is particularly important.

3. Housing without the animal having the opportunity for continuous visual, auditory, olfactory, and tactile contact, but with such contact on a periodic basis, through scheduled social interaction with one or more compatible primates.

4. Housing without the animal having the opportunity for continuous visual, auditory, olfactory, and tactile contact with a compatible primate, but with daily positive interaction with compatible human care givers. The human contact should be of sufficient type and duration to compensate for restricted social housing. We do not consider basic routine husbandry or medical or experimental manipulation to be sufficient human contact.

We consider pair or group housing (Option 1) to be the most desirable housing option and we expect this option to be used whenever possible. We consider this particularly important for chimpanzees, gorillas, gibbons, and siamangs, which seem to suffer particularly from being housed individually. If Option 1 is not utilized, the plan must provide an explanation and justification for each diminished degree of social interaction. Social housing also facilitates important primate behaviors associated with signals that communicate emotional states or other information between individuals. Acceptable reasons for choosing Options 2, 3, or 4 would include:

1. The health and well-being of the individual primate;

2. Documented unavailability of compatible individuals;

3. The scientific requirements of a protocol approved by an Institutional Animal Care and Use Committee (IACUC) (for registered research facilities); or

4. The animal's assignment to an IACUC-approved project that will result in euthanasia or disposition within a short period (normally less than 60 days).

Virtually any social change can be stressful to the nonhuman primates. In order to effectively manage social groups and minimize stress, the plan should include procedures for introduction, separation, and socialization, including minimizing unnecessary separations for established

compatible pairs or groups, whether temporary or permanent, and minimizing the negative effects of necessary separations.

If individual primates are strongly socialized toward humans and distressed by other primates, the plan should provide for daily, extensive positive human interaction in addition to that associated with routine husbandry, medical care, experimental manipulation, training, or exhibition.

Without some socialization to humans, contact with humans becomes an environmental stressor for the primates, over which they have no control. When contact with human facility personnel is a necessary part of the primate's life, the plan must include a program of husbandry conditioning and habituation to human manipulation. This is particularly important for any primate subjected to frequent conscious manipulation or restraint that may cause more than momentary or slight pain or distress, or frequent chemical restraint to accomplish minor procedures or manipulations.

B. Social Needs of Infants

Section 3.81(c)(1) requires that special attention be given to infants and young juveniles. Nonhuman primate infants and their care-giving parents have specific social needs. The psychological well-being of nonhuman primate infants depends on appropriate infant development. In most situations, the optimal environment for infant development is one that allows the infant to remain with its biological mother through weaning in the company of a species-normal social group. Additionally, reproductive success (including reproductive behaviors, fertility, prenatal adequacy, parturition, and parental care) is generally considered to be one of the strongest indicators of psychological well-being in adult captive nonhuman primates.

All facilities with one or more breeding groups of primates should include in their plan a program to ensure species-typical sensory, motor, psychological and social development of infants. The plan should also include criteria for removal of any infants from the care-giving parent(s) if necessary. Separation should be directed by the attending veterinarian or other qualified professional and should be customized to the characteristics of the individual primate.

Infants should not be permanently removed from the care giving parent(s) before an age that approximates the age of infant independence in nature, except where necessary for the health and well-being of the infant or dam.

Although we stress that it is important not to disrupt the bond between the infant and its parents, there may be situations when infants must be separated earlier than is optimal. When infants must be separated from the care giving parent(s) prior to the approximate age of separation in nature, our research indicates that at least the following separation procedures should be included in the plan in order to minimize distress and ensure appropriate sensory, motor, psychological, and social development of the infant:

- Details of separation procedures used to minimize distress for the infant and the care-giving parent(s);
- Details of any hand-raising or fostering practices. There should be specific provisions, in accordance with the professional literature, to provide the infant with a level of sensory, motor, psychological, and social stimulation approximating that which it would receive from its care giving parent(s), natal group and/or peer group under normal circumstances. Hand raising practices that are likely to be detrimental to the development of species-appropriate behavior or to the well-being of the individual at a later time, such as those involving social restriction from primates of their own species, should not be used;
- A suitable surrogate parent for artificially reared monkey or ape infants.

The plan should include a program to develop and maintain species-typical social competence through exposure to peers and/or adults of the same or compatible species. Socialization to humans and to other animals, such as dogs, may be simultaneously maintained when desirable.

C. Environmental Enrichment—Structure and Substrate

The social, developmental, and physical environment are interdependent in ensuring psychological well-being of nonhuman primates. Section 3.18(b) requires that the physical environment in primary enclosures must be enriched by providing means of expressing noninjurious species-typical activities. The most basic components of the physical environment are the enclosure structure (its size, shape, and design) and the substrates within it (flooring, bedding, and furnishings, including perches, nest boxes, etc.). In order to promote psychological well-being for nonhuman primates, primary enclosures for housing and/or exercise need to be of adequate shape and design, and have adequate furnishings, to accommodate species-appropriate behaviors by all inhabitants. Each primate should be able to, at a minimum, engage in:

1. Species-typical postures and positions for resting, sleeping, feeding, exploration, and play;
2. Species-typical locomotion; and
3. Social adjustments.

Primary enclosures should contain elevated resting structures appropriate for the species. The type, number, and orientation of the structures in each enclosure should be appropriate to the number and social arrangement of the animals in the enclosure. Structures should be positioned to facilitate social adjustments and not interfere with normal locomotion.

Primates of species that normally hang from limbs and/or tails should be provided with structures and complexities that enable them to do so comfortably.

Primates of species with long tails should be provided with sufficient vertical space to permit normal upright resting postures without restriction of tail position or placement of the tail outside the enclosure or into waste pans.

Primates of species that normally rest or sleep in cavities, or which are nocturnal or partly nocturnal, should be provided with nest boxes or similar structures. Primates of species that construct nests for sleeping or resting should be provided with artificial or natural nest materials such as hay, browse, or blankets.

Enclosures should be designed, constructed, and furnished so that individual primates may reasonably avoid other individuals or frightening stimuli. Flight distances, visual barriers, and placement of structures such as perches or shelters should be considered during design and furnishing.

Primarily terrestrial species should have access to suitable flooring and resting areas. Patas monkeys should have regular access to large exercise areas that accommodate running.

Primate species that scent-mark should be provided with suitable scent-retaining surfaces. The surfaces may be part of the cage structure, part of cage furniture, or in the form of temporary objects and should be replaced or sanitized as appropriate.

Enclosures should be designed, constructed, and furnished to facilitate social introduction, reintroduction, separation, or temporary restraint.

Aged, physically impaired, or debilitated individuals should be

provided with structures suited to their physical abilities.

D. Environmental Enrichment—Foraging Opportunities

In the wild, nonhuman primates spend a significant proportion of their time foraging for food. ''Working'' for food is one of the most frequently found species-typical activities for nonhuman primates. Captive nonhuman primates that are not provided with enough time-consuming foraging tasks may self-mutilate, over-groom, or become aggressive.

As part of enriching the physical environment under § 3.81(b), the plan should provide for each primate to have, on a daily basis, some type of time-consuming foraging opportunity. The foraging enrichment can include a wide variety of time-consuming activities. These activities may include providing something as simple as whole fruits or vegetables with high processing time, providing standard monkey biscuits in novel ways to increase food acquisition times, providing more complex types of devices such as puzzle feeders, or scattering food in substrates. Food items and foraging options should be chosen with consideration for the species and abilities of the individuals involved so that each primate can readily obtain its minimum daily nutritional requirements. The diet for each primate should contain a variety of tastes, smells, and textures. Gnawing or gouging wood should be provided for marmosets and tamarins.

For primates on continuously restricted diets as part of medical treatment or experimental protocol, the plan should provide a substitution for foraging, meaning opportunities to engage in time-consuming cognitive activities or foraging involving nonfood rewards (such as ice cubes or toys). The cognitive activities should be voluntary—we do not consider activities that are part of experimental manipulation to be adequate.

E. Environmental Enrichment—Manipulanda

Manipulanda are objects that can be moved, used, or altered in some manner by the primate's hands. Manipulanda can stimulate several senses and permit the animal to experience novelty and a sense of control over part of its environment. Manipulanda have been shown to be effective in increasing species-appropriate behavior and decreasing abnormal behavior.

As part of enriching the physical environment under § 3.81(b), our research indicates that the plan should provide for each primate to have a variety of portable or moveable items for manipulation available to them. The size and type of item(s) and its presentation should be safe and suitable for the species, age, sex, and characteristics of the individuals. The number of items and their presentation should take into account hoarding or aggressive behavior by animals in a social group and changed as often as necessary to maintain appropriate novelty. Primate species that groom others of their own species but must be caged without tactile contact should have daily access to suitable objects or substrates for grooming.

Considerations for Meeting the Critical Elements

There are other criteria which our research showed must be considered in relation to all five critical elements:

- Documentation
- Novelty
- Control over the environment
- Sensory stimulation
- Exemptions
- Individuals in persistent psychological distress.

Documentation

The plan should be designed with consideration for the species, age, sex, health status, rearing, and behavioral history of the primate. The plan should document:

- Scientific justification for all aspects of the plan, including professional journals and reference guides consulted.
- Changes in the facility's primate population.
- Changes in the needs of individual primates.
- Assessments of the effectiveness of the program in promoting species-appropriate behavior.

Novelty

The plan should provide for appropriate levels of novelty in the items or strategies chosen. Novelty is variation in enrichment devices and strategies. Appropriate novelty includes both the physical properties inherent in any object or situation and the timing or duration that the novelty is provided. Novel items should be provided in sufficient quantity and located within the environment so as to be accessible to all primates. The cognitive abilities of primates should be considered in the choice of novelty provided. Novel stimuli should sustain their interest, encourage activity, and redirect inappropriate activity to behaviors appropriate for their species. Each facility should document in its plan how and with what frequency novelty is maintained.

Control Over the Environment

The plan should provide individual primates with the opportunity to exercise control over some aspects of their environment. Complex objects or environments that can be altered or controlled by the animals provide them with enhanced opportunities to utilize their cognitive abilities. Examples of control include opening doors and peep holes, moving indoors or outdoors, and influencing the temperature and lighting in the cage, as well as avoiding noxious stimuli.

Sensory Stimulation

The plan should provide for each of the five senses to be stimulated in a species-appropriate and non-distressing manner. Exemptions may be made for individuals with sensory impairment.

The plan should provide for primates to be given the opportunity to avoid or distance themselves from objects that may be frightening. Levels of stimulation should not be excessive or discernibly distressing, and individuals must have the opportunity to avoid excessive exposure to such stimuli.

Exemptions

In accordance with § 3.81(e), exemptions for individual primates from various aspects of the plan may be made as part of an IACUC-approved protocol. Section 3.81(e) also allows exemptions to be made by the attending veterinarian because of the animals health or condition or in consideration of its well-being. As required by § 3.81(e), the basis for exemptions must be documented. Exemptions should be only to the extent and length of time necessary. Section 3.81(e) requires that exemptions be reviewed at least every 30 days by the attending veterinarian or, for IACUC-approved protocols, at least annually. Exemptions should be reviewed more often if appropriate to the circumstances and should be adjusted as circumstances change. If, due to medical treatment or experimental protocol, a critical element cannot be satisfied, additional enrichment must be provided as compensation.

Individuals in Persistent Psychological Distress

The plan should provide that, for primates in persistent psychological distress, a primate behaviorist or veterinarian with formal training and experience in primate behavior will be consulted.

Done in Washington, DC, this 9th day of May 1999.

A. Cielo,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–18050 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–220–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that would have required repetitive inspections to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizers; and corrective actions, if necessary. That proposal also would have required cold working of certain fastener holes of the front spar of the horizontal stabilizers, and follow-on actions; and installation of new fasteners, which would have constituted terminating action for the repetitive inspections proposed by that AD. That proposal was prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. This new action revises the proposed rule by adding repetitive x-ray inspections. The actions specified by this new proposed AD are intended to prevent failure of the front spar due to fatigue cracking around certain fastener holes of the front spar of the horizontal stabilizers, which could result in reduced structural integrity of the airplane.

DATES: Comments must be received by August 9, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98-NM–220-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98-NM–220-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98-NM–220-AD, 1601 Lind Avenue, SW, Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 18, 1999 (64 FR 8029). That NPRM would have required repetitive inspections to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizers; and corrective actions, if necessary. That proposal also would have required cold working of certain fastener holes of the front spar of the horizontal stabilizers, and follow-on actions; and installation of new fasteners, which would have constituted terminating action for the repetitive inspections proposed by that AD. That NPRM was prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. Fatigue cracking around certain fastener holes of the front spar of the horizontal stabilizers, if not detected and corrected, could result in failure of the front spar and consequent reduced structural integrity of the airplane.

Comments

Due consideration has been given to the comments received in response to the NPRM.

Request To Revise Certain Inspection Requirement of the Proposed Rule

One commenter, the airplane manufacturer, requests that the originally proposed rule be revised to clarify certain requirements. The commenter notes that the originally proposed rule would require, among other things, repetitive eddy current inspections to be accomplished in accordance with Saab Service Bulletin 340–55–033, Revision 04, dated December 1, 1998. The commenter points out that the Saab service bulletin recommends performing both eddy current and x-ray inspections. Under the compliance section of the service bulletin, the general term ''NDT inspection'' is used. The commenter suggests that either ''NDT inspection'' or ''eddy current and x-ray inspection'' be specified in the requirements.

The FAA concurs with this request. The FAA inadvertently omitted the reference to repetitive x-ray inspections in paragraphs (a) and (b) of the proposed AD, and has revised this supplemental NPRM accordingly. Additionally, the reference to x-ray inspections has been added to the cost impact section of this supplemental NPRM. The original cost estimate in the NPRM included all costs associated with both the eddy current and x-ray inspections.

Since adding an inspection expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Clarification of the Inspection Requirements

Additionally, the FAA has clarified certain wording in the supplemental NPRM to more accurately describe the inspection requirements. This clarification is in addition to the previously discussed omission. Paragraphs (a) and (b) of the proposed rule require performing inspections to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizer. For clarification of the types of inspections required, paragraphs (a) and (b) of the supplemental NPRM have been revised to specify that detailed visual, eddy current, and x-ray inspections are required in accordance with paragraph 2.D. of the Accomplishment Instructions of the service bulletin.

Cost Impact

The FAA estimates that 279 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to perform the proposed detailed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $66,960, or $240 per airplane, per inspection cycle.

It would take approximately 6 work hours per airplane to accomplish the proposed eddy current and x-ray inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections proposed by this AD on U.S. operators is estimated to be $100,440, or $360 per airplane, per inspection cycle.

It would take approximately 42 work hours to accomplish the cold working of the fastener holes, at an average labor rate of $60 per work hour. Required parts would cost approximately $400 per airplane. Based on these figures, the cost impact of the cold work proposed by this AD on U.S. operators is estimated to be $814,680, or $2,920 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SAAB AIRCRAFT AB: Docket 98–NM–220–AD.

Applicability: Model SAAB SF340A series airplanes, manufacturer's serial numbers –004 through –159 inclusive; and SAAB 340B series airplanes, manufacturer's serial numbers –160 through –439 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the front spar due to fatigue cracking around certain fastener holes of the front spar of the horizontal stabilizers, which could result in reduced structural integrity of the airplane, accomplish the following:

Initial and Repetitive Inspections

(a) For Model SAAB SF340A series airplanes with manufacturer's serial numbers –004 through –159 inclusive: Perform the inspections (detailed visual, eddy current, and x-ray) specified in paragraph 2.D. of the Accomplishment Instructions of Saab Service Bulletin 340–55–033, Revision 04, dated December 1, 1998, to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizer, in accordance with the service bulletin, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. Thereafter, repeat only the eddy current and x-ray inspections at intervals not to exceed 12,000 flight cycles until the requirements of paragraph (d) of this AD are accomplished.

(1) For airplanes that have accumulated less than 22,000 total flight cycles as of the effective date of this AD: Perform an eddy current and an x-ray inspection prior to the accumulation of 22,000 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 22,000 or more total flight cycles and less than 30,000 total flight cycles as of the effective date of this AD: Accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Perform a detailed visual inspection within 800 flight cycles after the effective date of this AD; and

(ii) Perform an eddy current and an x-ray inspection within 2,000 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated 30,000 or more total flight cycles as of the effective date of this AD: Accomplish the requirements of paragraphs (a)(3)(i) and (a)(3)(ii) of this AD.

(i) Perform a detailed visual inspection within 400 flight cycles after the effective date of this AD; and

(ii) Perform an eddy current and an x-ray inspection within 1,200 flight cycles after the effective date of this AD.

Initial and Repetitive Inspections

(b) For Model SAAB 340B series airplanes with manufacturer's serial numbers –160 through –439 inclusive: Perform the inspections (detailed visual, eddy current, and x-ray) specified in paragraph 2.D. of the Accomplishment Instructions of Saab Service Bulletin 340–55–033, Revision 04, dated

December 1, 1998, to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizer, in accordance with the service bulletin, at the time specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable. Thereafter, repeat only the eddy current and x-ray inspections at intervals not to exceed 6,000 flight cycles until the requirements of paragraph (d) of this AD are accomplished.

(1) For airplanes that have accumulated less than 12,000 total flight cycles as of the effective date of this AD: Perform an eddy current and an x-ray inspection prior to the accumulation of 12,000 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 12,000 or more total flight cycles and less than 16,000 total flight cycles as of the effective date of this AD: Accomplish the requirements of paragraphs (b)(2)(i) and (b)(2)(ii) of this AD.

(i) Perform a detailed visual inspection within 800 flight cycles after the effective date of this AD; and

(ii) Perform an eddy current and an x-ray inspection within 2,000 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated 16,000 or more total flight cycles as of the effective date of this AD: Accomplish the requirements of paragraphs (b)(3)(i) and (b)(3)(ii) of this AD.

(i) Perform a detailed visual inspection within 400 flight cycles after the effective date of this AD; and

(ii) Perform an eddy current and an x-ray inspection within 1,200 flight cycles after the effective date of this AD.

Corrective Actions

(c) If any cracking is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, either repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Luftfartsverket (LFV) (or its delegated agent); or accomplish the requirements of paragraph (d) of this AD.

Note 2: Inspections to detect cracking around certain fastener holes and adjacent areas of the front spar of the horizontal stabilizers that have been accomplished prior to the effective date of this AD in accordance with Saab Service Bulletin 340–55–033, Revision 03, dated January 22, 1998, are considered acceptable for compliance with the applicable action specified by this AD.

Terminating Action

(d) For all airplanes: Except as provided by paragraph (e) of this AD, accomplish cold working of certain fastener holes of the front spar of the horizontal stabilizers, and follow-on actions; and install new fasteners; in accordance with Saab Service Bulletin 340–55–034, dated October 16, 1998; at the time specified in paragraph (d)(1), (d)(2), or (d)(3) of this AD, as applicable. Accomplishment of this action constitutes terminating action for this AD.

(1) For all airplanes that have accumulated less than 26,000 total flight cycles as of the effective date of this AD: Within 10,000 flight cycles after the effective date of this AD.

(2) For all airplanes that have accumulated 26,000 or more total flight cycles and less than 30,000 total flight cycles as of the effective date of this AD: Within 6,000 flight cycles after the effective date of this AD.

(3) For all airplanes that have accumulated 30,000 or more total flight cycles as of the effective date of this AD: Within 3,000 flight cycles after the effective date of this AD.

(e) If any crack is detected during the accomplishment of paragraph (d) of this AD, and if the service bulletin listed in paragraph (d) of this AD specifies to contact the manufacturer for an appropriate corrective action: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, or the LFV (or its delegated agent).

Alternative Method of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Swedish airworthiness directives 1–110R2, dated December 7, 1998, and 1–133, dated October 20, 1998.

Issued in Renton, Washington, on July 9, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18100 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–344–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace BAe Model ATP airplanes. This proposal would require repetitive tests for the serviceability of the nose landing gear compensator; and corrective action, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent a nose wheel shimmy, which could lead to the collapse of the nose landing gear during landing.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–344–AD, 1601 Lind Avenue, SW, Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report

summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–344–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–344–AD, 1601 Lind Avenue, SW, Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace BAe Model ATP airplanes. The CAA advises that a nose wheel shimmy resulted in the collapse of the nose landing gear during landing. The steering compensator was found to be unserviceable due to a high leakage rate of hydraulic fluid through the unit. The existing design of the nose landing gear steering system may not adequately prevent such leakage. This condition, if not corrected, could lead to the collapse of the nose landing gear.

Explanation of Relevant Service Information

British Aerospace has issued Alert Service Bulletin ATP–A32–94, dated October 3, 1998, which describes procedures for repetitive tests for the serviceability of the nose landing gear compensator, and replacement of the compensator with a new or serviceable part, if necessary. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 016–10–98, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed test, and that the average labor rate is $60 per work hour. Required parts would cost approximately $50 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,700, or $170 per airplane, per test.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

BRITISH AEROSPACE REGIONAL AIRCRAFT [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 98–NM–344–AD.

Applicability: All BAe Model ATP airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a nose wheel shimmy, which could lead to the collapse of the nose landing gear during landing, accomplish the following:

Serviceability Test

(a) Within 250 flight cycles after the effective date of this AD, perform a test for the serviceability of the nose landing gear compensator in accordance with British Aerospace Alert Service Bulletin ATP–A32–94, dated October 3, 1998. Thereafter, repeat the test at intervals not to exceed 4,000 flight cycles. If the compensator does not pass the serviceability test, within 50 flight cycles after the accomplishment of the test, replace the compensator with a new or serviceable compensator in accordance with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in British airworthiness directive 016–10–98.

Issued in Renton, Washington, on July 9, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18101 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–110–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes. This proposal would require a detailed visual inspection to detect damage to the terminal lugs on the 12XC and 15XE connectors and the mounting lugs on the 15XE connector; and repair or replacement of the terminal lugs or the 15XE connector with new parts, if necessary. This proposal is prompted by the issuance of a mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct broken terminal and mounting lugs on the 15XE and 12XC connectors in the 101VU panel in the avionics compartment, which could result in loss of electrical power from the standby generator.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–110–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A310 and A300–600 series airplanes. The DGAC advises that operators have reported cases of broken terminal lugs on the three-phase wiring to the 12XC and 15XE connectors located on the essential part of the 101VU panel in the avionics compartment on airplanes equipped with a standby generator. The DGAC also advises that the mounting lugs on the 15XE connector were also found broken. Preliminary indications are that the mounting configuration of connector 15XE is transmitting vibration to the terminal lugs of both connectors and to the mounting lugs of 15XE. Such failures, if not detected and corrected, could result in loss of electrical power from the standby generator.

Explanation of Relevant Service Information

Airbus has issued an All Operators Telex (AOT) 24–09, Revision 01, dated August 13, 1998, which describes procedures for inspecting the terminal lugs on the 12XC and 15XE connectors and the mounting lugs on the 15XE connector for damage; and repair or replacement of the terminal lugs or the 15XE connector with new parts, if necessary.

The DGAC classified Airbus AOT 24–09 as mandatory and issued French airworthiness directive 1999–077–278(B), dated February 24, 1999, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation

described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in Airbus AOT 24–09, described previously.

Interim Action

This is considered to be an interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that approximately 109 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $13,080, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AIRBUS INDUSTRIE: Docket 99–NM–110–AD.

Applicability: Model A310 series airplanes on which Airbus Modification 05911 has been installed, and Model A300–600 series airplanes on which Airbus Modification 06214 has been installed; equipped with a standby generator (FIN 25XE); certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct broken terminal lugs on the 12XC and 15XE connectors, and mounting lugs on the 15XE connector in the 101VU panel in the avionics compartment, which could result in loss of electrical power from the standby generator, accomplish the following:

Inspection and Corrective Actions

(a) Prior to the accumulation of 5,000 total flight hours, or within 600 flight hours after the effective date of this AD, whichever occurs later, accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD in accordance with Airbus All Operators Telex (AOT) 24–09, Revision 01, dated August 13, 1998.

(1) Perform a detailed visual inspection of the terminal lugs on the 12XC and 15XE connectors to detect damage (i.e., overheat, cracking, twisting, or total rupture). If any damage is detected, prior to further flight, replace the terminal lugs with new terminal lugs, part number NSA936501TA1004.

(2) Perform a detailed visual inspection of the mounting lugs on connector 15XE to detect damage (i.e., cracking or breaking). If any damage is detected, prior to further flight, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace connector 15XE with a new connector, part number 25811BOHUNTKL vendor code F0214 ECE. Or,

(ii) Repair connector 15XE in accordance with Airbus AOT 24–09, Section 4.2.2.3. Repeat the detailed visual inspection required by paragraph (a)(2) of this AD of the repaired connector thereafter at intervals not to exceed 1 week, and repeat the repair with new cable ties thereafter at intervals not to exceed 3 months, until the replacement required by paragraph (a)(2)(i) of this AD is accomplished.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive, 1999–077–278(B), dated February 24, 1999.

Issued in Renton, Washington, on July 9, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18102 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–345–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace BAe Model ATP airplanes. This proposal would require repetitive replacements of the weight on wheels microswitch harness subassembly with a new microswitch harness subassembly. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent a nose wheel shimmy, which could result in the collapse of the nose landing gear during takeoff or landing and possible injury to the flightcrew and passengers.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–345–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–345–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–345–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace BAe Model ATP airplanes. The CAA advises that internal corrosion due to inadequate sealing within the operating plunger of the nose landing gear weight on wheels microswitch harness subassembly can prevent the switch from operating when the wheels are lowered during landing. The failure will cause loss of nose wheel steering by preventing hydraulic pressure from being applied to the steering actuator. If this occurs to an aircraft on which the steering compensator (located in the hydraulic return line) has an excessive leak rate, the shimmy damping of the nose leg is greatly reduced. This condition, if not corrected, could result in the collapse of the nose landing gear during takeoff or landing and possible injury to the flightcrew and passengers.

Explanation of Relevant Service Information

British Aerospace has issued Alert Service Bulletin ATP–A32–93, dated October 3, 1998, which describes procedures for repetitive replacements of the weight on wheels microswitch harness subassembly with a new microswitch harness subassembly. The Civil Aviation Authority (CAA) classified this service bulletin as mandatory and issued British airworthiness directive 014–10–98, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive replacements of the weight on wheels microswitch harness subassembly with a new microswitch harness subassembly.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would cost approximately $5,300 per airplane. Based on these figures, the

cost impact of the proposed AD on U.S. operators is estimated to be $54,800, or $5,480 per airplane, per replacement cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 98–NM–345–AD.

Applicability: BAe Model ATP airplanes, constructor's numbers 2002 through 2063 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a nose wheel shimmy, which could result in the collapse of the nose landing gear during takeoff or landing and possible injury to the flightcrew and passengers, accomplish the following:

Replacement

(a) Within 4 years after the initial installation of the weight on wheels microswitch harness subassembly or 3 months after the effective date of this AD, whichever occurs later, replace the weight on wheels microswitch harness subassembly with a new microswitch harness subassembly in accordance with British Aerospace Alert Service Bulletin ATP–A32–93, dated October 3, 1998. Repeat the replacement thereafter at intervals not to exceed 4 years.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in British airworthiness directive 014–10–98.

Issued in Renton, Washington, on July 9, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18103 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–115–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require a one-time visual inspection of the conduit pipe for distortion or repairs, and replacement of the conduit pipe with a new pipe, if necessary. This proposal would also require replacement of the cable assemblies to the fuel standby pumps with new cable assemblies that have improved sheathing protection. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent electrical arcing due to damaged fuel standby pump cable assemblies and conduit pipes, which could create a possible ignition source, and consequent fire hazard.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be

examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–115–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace (Jetstream) Model 4100 series airplanes. The CAA advises that, on some aircraft, an operator has found damage to the insulation of the wires in the cable assemblies to the fuel standby pumps. This damage was caused by circumferential cuts to the cable insulation, which exposed the wires. The cuts are thought to have been caused when the cable outer sheath and braid were removed during cable installation. The CAA also advises that, in the same area, but unrelated to the insulation damage, the metal conduit pipe that carries the cable assembly into the dry bay of the wing had been found in a distorted condition. Distortion of the metal conduit pipe is thought to have been caused by incorrect maintenance practices during standby pump canister removal. These conditions, if not corrected, could result in electrical arcing which could create a possible ignition source, and consequent fire hazard.

Explanation of Relevant Service Information

British Aerospace has issued Jetstream Service Bulletin J41–28–010, dated April 5, 1999, which describes procedures for a one-time visual inspection of the conduit pipe (left and right) for distortion or repairs, and replacement of the conduit pipe with a new pipe, if necessary. It also describes procedures for replacement of the cable assemblies (left and right) to the fuel standby pumps with new cable assemblies that have improved sheathing protection. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 005–04–99, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 59 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $56,640, or $960 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 99–NM–115–AD.

Applicability: All Jetstream Model 4101 airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical arcing due to damaged fuel standby pump cable assemblies and conduit pipes, which could create a possible ignition source, and consequent fire hazard, accomplish the following:

Corrective Actions

(a) Within 6 months after the effective date of this AD, accomplish the following actions required by paragraphs (a)(1) and (a)(2) of this AD in accordance with Jetstream Service Bulletin J41–28–010, dated April 5, 1999.

(1) Perform a one-time visual inspection of the conduit pipe (left and right), which carries the fuel standby pump cable assembly into the dry bay of the wing, for distortion (i.e., damage) or repairs. If any distortion or repair is found, prior to further flight, replace the conduit pipe with a new pipe, part number 14128032–403 (left) or part number 14128032–405 (right).

(2) Replace fuel standby pump cable assemblies (left and right) with new cable assemblies, part number F5–71–1.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in British airworthiness directive 005–04–99.

Issued in Renton, Washington, on July 9, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18104 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission) is proposing automatically to approve certain exchange rule amendments upon adoption and to require their subsequent submission to the Commission in a single summary filing, rather than individually as currently mandated. In addition, the Commission is proposing to reorganize in a clearer and more accessible format its rules on expedited approval procedures of proposed exchange rule amendments. The proposed comprehensive reorganization of these rules is intended to further the Commission's overall regulatory reform program by reducing unnecessary regulatory burdens and costs on United States exchanges associated with the Commission's review and approval of proposed exchange rules and rule amendments while maintaining the basic public protections of the Commodity Exchange Act.

DATES: Comments must be received August 16, 1999.

ADDRESSES: Comments should be mailed to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Office of the Secretariat; transmitted by facsimile at (202) 418–5521; or transmitted electronically at [secretary@cftc.gov].

FOR FURTHER INFORMATION CONTACT: Richard H. Shilts, Director, Market Analysis Section or Kimberly A. Browning, Attorney/Advisor, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5260. E-mail:[RShilts@cftc.gov] or [KBrowning@cftc.gov].

SUPPLEMENTARY INFORMATION:

I. Background

Over the years the Commission has updated and streamlined its procedures for reviewing proposed exchange rules. Section 5a(a)(12) of the Commodity Exchange Act (Act), 7 U.S.C. 7a(a)(12), provides that all rules of a contract market [1] which relate to a futures contract's terms and conditions must be submitted to the Commission for prior approval.[2] This requirement is premised on considerable regulatory experience indicating that Commission review and approval of proposed exchange rules before their implementation, among other things, is the preferred way to minimize the possibility of market manipulation or distortions due to improperly designed contract terms. Moreover, the proposed amendment of an existing futures contract potentially may affect adversely traders, producers or commercials. Commission pre-approval review of such changes enables those persons or entities to have their views considered.

The Commission, while preserving the important public protections of prior review, has aggressively sought to reduce unnecessary cost and regulatory burdens associated with this requirement. For example, the Commission has long established an expedited review and automatic approval of proposed exchange rule amendments falling within a number of categories. In addition, since 1997, the Commission has carried out a far-

[1] Commission Rule 1.41(a)(1) defines ''rule'' of a contract market as follows: Any constitutional provision, article of incorporation, bylaw, rule regulation, resolution, interpretation, stated policy, or instrument corresponding thereto, in whatever form adopted, and any amendment or addition thereto or repeal thereof, made or issued by a contract market, or by the governing board thereof or any committee thereof.

[2] Section 5a(a)(12) further requires that contract markets submit all other rules to the Commission except those relating to setting of margins or that the Commission may specify by rule. Such other rules may be made effective ten days after Commission receipt unless, within the ten-day period, the exchange requests Commission approval of the Commission notifies the exchange that it intends to review the rules for approval.

reaching program of regulatory reform. As part of that on-going program, the Commission established fast track procedures[3] for Commission review and approval of applications for new contracts and for proposed exchange rules and rule amendments not eligible for expedited review. These initiatives have modernized and streamlined the Commission's review processes, reducing unnecessary burdens and their associated costs to United States exchanges.

Together, the expedited review, automatic approval and fast track procedures have been uniquely effective in reducing the time for Commission review and approval of proposed exchange rules and rule amendments. In fiscal year 1998, the Commission processed 290 changes to contract terms and conditions, of which 152 were processed under expedited procedures. Of the 152, 47 were treated as approved upon exchange adoption and 105 were approved on an expedited basis within 10 days after receipt. Of the remaining 138 that the Commission approved under non-expedited procedures, seven were approved under the fast track procedure. Of the 131 that were approved under regular review procedures, 36 were approved in 10 days of fewer, 101 were approved in 30 days or fewer and all but nine were approved within 60 days.[4]

In keeping with this record, the Commission continues to innovate in finding additional ways further to reduce unnecessary burden on United States exchange, and is proposing herein to expand the types of exchange rules and rule amendments that it approves automatically upon exchange adoption, to streamline dramatically the required filing notice of those rule amendments with the Commission, to add a new three-day expedited review procedure and to expand the types of proposed contract terms and conditions which are eligible for such expedited rule approval.

II. The Proposed Amendments

A. Rule 1.41(b)

Based upon its experience in administering the current review procedures, the Commission is proposing to expand the categories of rules eligible for automatic approval in proposed new Rule 1.41(b)(5). Exchange rule amendments eligible for approval upon their adoption include routine changes to an index, other than a stock index, used as the settlement of a futures contract compiled by a third party, typographical, renumbering and other types of non-material changes, trading hours and trading months, and discretionary option strike prices. The routine changes to an index eligible for this treatment are those types of changes that are frequent and anticipated to be needed in order to maintain the continuity and integrity of a pricing algorithm or formula which has been defined in the contract's terms. It does not include non-routine or unanticipated changes to the basic construction of an index as defined in the contract, for example, by changing the geographic pricing point of an agricultural index. The listing of trading months are not eligible for this treatment if the trading month cycle has been interrupted by the delisting of a contract, unless the listing of relisting is in conjunction with, or subsequent to, the approval of the Commission of substantive changes to the contract's terms or conditions.

The Commission also is proposing to reduce the associated filing requirements for automatically approved exchange rule amendments. Specifically, the Commission would replace the current requirement that the exchange file a separate notice of each such amendment, with a single, summary filing of all automatically approved rule amendments adopted by an exchange during the preceding week.[5] This proposal should significantly streamline the filing process for exchanges.

The Commission also is proposing to add a new, faster category of expedited review. This category would be for exchange rules that would be deemed to be approved three days after receipt of the Commission, and includes amendments to the terms and conditions of major currency[6] futures contracts which meet the standards of Guideline No. 1, amendments to the terms and conditions of options on futures contracts,[7] and proposed revisions to the relating to the minimum price fluctuation and daily price limits.

These review categories reflect the Commission's experience in the time necessary to review proposed amendments to particular types of contract terms and conditions. The contract amendments eligible for these procedures are routine in nature and have clearly defined, often objective, standards regarding their permissibility under the Act and Commission regulations and it can be determined on its face whether the particular rule amendment complies with the applicable standard. Moreover, such rule amendments generally do not raise any issues relating to the contract's susceptibility to manipulation or whether its trading would be in the public interest.

In addition to the proposed new categories and expanded eligibility for such procedures, the Commission is proposing to reorganize its rules on expedited approval procedures into a more accessible and clearer format.[8] As proposed, Rule 1.41(b) would be reorganized into paragraphs reflecting the time permitted the Commission for review, 180 day review period, 45 day fast track review, 10 or 3 day expedited review (currently Rules 1.41(i)–(t)) and rules approved on adoption.

To further its goal of streamlining the filing process, the Commission is also encouraging exchanges to file their submissions electronically. Electronic filing of submissions will reduce unnecessary burdens and costs associated with the submission process to both the exchanges and the Commission.

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[3] See, Commission Rules 5.1 and 1.41(b). 62 FR 10434 (March 7, 1997).

[4] In addition, the Commission adopted fast track review procedures for new contract designation applications. Since June 1997, the Commission has approved a total of 70 contracts under fast track procedures, 36 under the 10-day procedure and 34 under its 45-day procedure. Forty-two additional contracts were approved under non-fast-track review procedures.

Most recently, the Commission revised the rules governing the designation application itself, replacing over five pages of rules with three, user-friendly application forms that make extensive use of checklists and charts. (See, 64 FR 29217 June 1, 1999).

[5] Under this proposed requirement, an exchange, if it so desired, could continue to file a separate notice of an automatically approved rule amendment as is currently required.

[6] Major currencies have nearly inexhaustible deliverable supplies, exhibit extremely deep and liquid markets, are not subject to convertibility or delivery restrictions and are easily arbitraged between cash and futures markets. For this rule, they are defined as the Australian dollar; British pound; Euro (and its component currencies); Japanese yen; Canadian dollar; Swiss franc; New Zealand dollar; Swedish krona; and Norwegian krone.

[7] Under the proposal, changes to the cabinet trade provisions of an option contract, which currently are eligible for expedited approval under Commission regulation 1.41(q), would now qualify for expedited approval under the three day provision as provided in proposed Rule 1.41(b)(4). In this regard, a cabinet trade is defined as an option transaction whereby the per contract value of the cabinet trade is less than the per-contract value of a trade at the specified minimum premium fluctuation for the option contract. Cabinet trades, thus, are incorporated in Chart C of Guideline No. 1 as part of an option contract's minimum premium fluctuation rules.

[8] As discussed above, these procedures and standards currently are provided in a number of different Commission rules, including Rule 1.41(b) (which includes the fast-track procedures), and Rules 1.41(i) through (t) (expedited procedures).

B. Commission Rule 1.41(d)

Commission Rule 1.41(d) sets forth the submission requirements for contract market rules that are exempt from the requirements of section 5a(a)(12)(A) of the Act. These rules involve non-substantive, routine and administrative matters such as exchange standards of decorum and typographical error corrections. The Commission is proposing that rather than filing Rule 1.41(d) submissions on an individual basis, the exchanges be allowed to make these filings on a weekly basis and in electronic form if so desired.[9] The Commission believes that, to the extent that an exchange might otherwise make multiple Rule 1.41(d) filings in a particular week, this proposal will significantly streamline the filing process, thus making compliance easier to achieve.

C. Commission Rule 1.45

The Commission is proposing to remove Commission Rule 1.45. This Rule requires that the terms and conditions of all exchange traded futures contracts specify that the grades of the underlying commodities conform to U.S. standards, if the Commission has adopted such standards. The Commission as a matter of practice, does not officially promulgate specific standards for commodity futures contracts. Instead, the Commission has adopted the requirement that contract terms and conditions must be in conformance with customary cash market practices; provided that variances from cash market practices are permitted if necessary or appropriate for the contract. These requirements are currently set forth under the procedures of Guideline No. 1. Guideline No. 1, in effect, requires that contract terms and conditions submitted for approval must be based on U.S. standards if those standards represent cash market standards. The Commission approves rules requiring delivery of commodities using applicable U.S. standards based upon its assessment of the cash market. Given these procedures under Guideline No. 1, the Commission believes that requirements Rule 1.45 imposes are redundant and, therefore, Rule 1.45 should be removed.

These proposals should significantly reduce the regulatory burden for United States exchanges, while maintaining the public protections of an effective system of Commission review of exchange rule amendments.

The Commission believes that the proposed revisions streamlining current review procedures offer the best balance between protection of the public and reducing regulatory and cost burdens on United States exchanges, thereby enabling them to compete better. In addition to relieving U.S. exchanges of any unnecessary burdens, the proposed rules will enable the Commission to devote its staff resources to the review of rules which raise more substantive issues. The Commission invites comment from the public regarding additional categories of contract terms and conditions that can be included within the relief proposed, or other additional steps that the Commission can take under its regulatory reform program.

Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act, (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies, in promulgating rules, consider the impact of these rules on small entities. The Commission has previously determined that contract markets are not ''small entities'' for purposes of the RFA, 5 U.S.C., 601 *et seq.* 47 FR 18618 (April 30, 1982). These amendments propose to establish streamlined procedures for Commission review and approval of proposed exchange amendments to its rules. Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the action taken herein will not have a significant economic impact on a substantial number of small entities. However, the Commission invites comments from any firms or other persons that believe that the promulgation of these rules might have a significant impact upon their activities.

B. Paperwork Reduction Act

When publishing proposed rules, the Paperwork Reduction Act (PRA) of 1995 {Pub. L. 104–13 (May 1, 1995)} imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information defines by the PRA. In compliance with the Act, the Commission, through this rule proposal, solicits comments to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including the validity of the methodology and assumptions used; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submissions of responses.

The Commission has previously submitted these rules and their associated information collection requirements to the Office of Management and Budget (OMB). The Office of Management and Budget approved the collection of information associated with these rules on October 24, 1998 and assigned OMB control number 3038–0022 to the rules. The burden associated with the entire collection (3038–0022), including these proposed rules is as follows:

Average burden hours per response: 3,609.89.

Number of respondents: 15,893.

Frequency of response: On Occasion.

Persons wishing to comment on the information which would be required by the proposed rules should contact the Desk Officer, CFTC, Office of Management and Budget, Room 10202, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from the CFTC Clearance Officer, 1155 21st Street, NW, Washington, DC 20581, (202) 418–5160.

Copies of the OMB-approved information collection package associated with this rulemaking may be obtained from the Desk Officer, Commodity Futures Trading Commission, Office of Management and Budget, Room 10202, NEOB Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 1

Commodity exchanges, Contract market rules, Rule review procedures.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4c, 5, 5a and 8a thereof, 7 U.S.C. 6c, 7, 7a, and 12a, the Commission hereby proposes to amend Part 1 of Chapter I of Ttitle 17 of the Code of Federal Regulations as follows:

[9] Section 5a(a)(1) of the Act requires that a contract market ''*promptly* furnish the Commission with copies of all bylaws, rules, regulations, and resolutions made or issued by it.'' (emphasis added). While in these proposed rules a contract market must furnish rules within seven days, this is not to suggest that the term ''prompt,'' which may appear in other sections of the Act or rules, is seven days.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24.

2. Section 1.41 is proposed to be amended by revising paragraphs (b)(1)(i) introductory text, (b)(1)(i)(A), and (b)(2), by removing paragraphs (b)(3) and (b)(4), by adding new paragraphs (b)(3), (b)(4) and (b)(5), by revising paragraph (d)(2) and by removing paragraphs (i) through (t) to read as follows:

§ 1.41 Contract market rules; submission of rules to the Commission; exemption of certain rules.

* * * * *

(b) Rules that relate to contract terms and conditions.—(1) Pre-approval review procedures. (i) Except as provided in paragraphs (b)(5) and (f) of this section, all proposed contract market rules that relate to terms and conditions must be submitted to the Commission for approval pursuant to section 5a(a)(12)(A) of the Act prior to their proposed effective dates. One copy of each rule submitted under this section shall be furnished in hard copy or electronically in a format specified by the Secretary of the Commission to the Commission at its Washington, DC headquarters. If a hard copy is furnished for submissions under appendix A to part 5 of this chapter, two additional hard copies shall be furnished to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Each submission under this paragraph (b) shall be in the following order:

(A) Label the submission as being submitted pursuant to Regulation 1.41(b)—regular review procedures.

* * * * *

(2) Fast track 45 day review. (i) All proposed contract market rules that relate to terms and conditions submitted for review under paragraph (b)(1) of this section shall be deemed approved by the Commission under section 5a(a)(12)(A) of the Act, 45 days after receipt by the Commission, unless notified otherwise within that period, if:

(A) The contract market labels the submission as being submitted pursuant to Commission Rule 1.41(b)—Fast Track Review;

(B) The submission complies with the requirements of paragraph (b)(1)(i)(A) through (E), of this section or for dormant contracts, the requirements of § 5.2 of this chapter;

(C) The contract market does not amend the proposed rule or supplement the submission, except as requested by the Commission, during the pendency of the review period; and

(D) The contract market has not instructed the Commission in writing during the review period to review the proposed rule under the usual procedures under section 5a(a)(12)(A) of the Act and paragraph (b)(1) of this section.

(ii) The Commission, within 45 days after receipt of a submission filed pursuant to paragraph (b)(2)(i) of this section, may notify the contract market making the submission that the review period has been extended for a period of 30 days where the proposed rules raises novel or complex issues which required additional time for review. This notification will briefly specify the nature of the specific issues for which additional time for review is required. Upon such notification, the period for fast-track review of paragraph (b)(2)(i) of this section shall be extended for a period of 30 days.

(iii) During the 45-day period for fast track review, or the 30-day extension when the period had been enlarged under paragraph (b)(2)(ii) of this section, the Commission shall notify the contract market that the Commission is terminating fast-track review procedures and will review the proposed rule under the usual procedures of section 5a(a)(12)(A) of the Act and paragraph (b)(1) of this section if it appears that the proposed rule may violate a specific provision of the Act, regulation, or form or content requirement of this section. This termination notification will briefly specify the nature of the issues raised and the specific provision of the Act, regulation or form or content requirement of this section that the proposed rule appears to violate. Within 10 days of receipt of this termination notification, the contract market may request that the Commission render a decision whether to approve the proposed rule or to institute a proceeding to disapprove the proposed rule under the procedures specified in section 5a(a)(12)(A) of the Act by notifying the Commission that the contract market views its submission as complete and final as submitted.

(3) Expedited 10 day review. (i) Notwithstanding the provisions of paragraph (b)(1) of this section, the following changes to contract terms and conditions shall be deemed approved by the Commission ten business days after receipt:

(A) Specifically approved standards. Changes to terms and conditions that are consistent with the Act and Commission regulations and with standards approved or established by the Commission in a written notification to the contract market of the applicability of this paragraph; provided, however, that the Commission may at any time alter or revoke the applicability of such a notice to any particular contract;

(B) Financial standards for delivery facilities. Changes in the financial standards or requirements for regular delivery facilities or comparable entities; provided that:

(1) The amended rule does not affect the regularity or delivery status of any existing facility declared regular by the contract market for the relevant commodity(ies) or likely candidates for regularity status,

(2) The requirement is stated in the rules and applies uniformly to all applications for regularity, and

(3) The requirement is related solely for the purpose of ensuring the financial integrity of the regular facility(ies); and

(C) Delivery standards set by third parties. Changes to grades or standards of commodities deliverable on futures contracts which are established by an independent third party and which are incorporated by reference as terms of the contract; provided that the grade or standard is not established, selected or calculated solely for use in connection with futures or option trading.

(ii) The contract market must label filings under this paragraph as submitted for ''10 Day Expedited Review.''

(iii) The Commission will, within 10 business days after receipt of the submission, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(a)(12)(A) of the Act and paragraph (b)(1) of this section.

(4) Expedited three day review, (i) Notwithstanding the provisions of paragraph (b)(1) of this section, the following changes to contract terms and conditions shall be deemed approved by the Commission three business days after receipt:

(A) Specifically approved standards. Changes to terms and conditions that are consistent with the Act and Commission regulations and with standards approved or established by the Commission in a written notification to the contract market of the applicability of this paragraph;

provided, however, that the Commission may at any time alter or revoke the applicability of such a notice to any particular contract;

(B) Options on futures contracts. (1) Changes to terms and conditions for options on futures contracts that are consistent with the Act, Commission regulations and the standards set forth in Part 5, Appendix A(c)(3) of this chapter;

(2) Changes to exchange rules governing option trading months, including a procedure for listing options with different expiration dates based on the same underlying futures contract month (option serial months), that are specified and automatic; and

(3) Changes to option automatic exercise procedures that are specified and objective, apply only to in-the-money options and provide an opportunity for option holders to override the automatic exercise provision.

(C) Currency futures contracts. Changes to terms and conditions that are consistent with the Act, Commission regulations and the standards set forth in Part 5, Appendix A(a)(3)(1)–(15) of this chapter for futures and options on physicals contracts based on the following currencies (including currency cross rates); Australian dollar, British pound; Euro (and its component currencies); Japanese yen; Canadian dollar; Swiss franc; New Zealand dollar; Swedish krona; and Norwegian krone.

(D) Minimum price fluctuation limits. Changes to the minimum tick provisions for futures contracts that do not increase tick size; and

(E) Price limit provisions for futures contracts. Changes to price limit rules for futures contracts, except for equity index contracts, provided that the change does not reduce the existing price limit.

(ii) The contract market must label filings under this paragraph as submitted for ''Three Day Expedited Review.''

(iii) The Commission will, within three business days after receipt of the submission, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(a)(12)(A) of the Act and paragraph (b)(1) of this section.

(5) Pre-approved rules. (i) Notwithstanding the provisions of paragraph (b)(1) of this section, the following changes to contract terms and conditions shall be deemed approved by the Commission at the time the change is adopted by the contract market:

(A) Specifically approved standards. Changes to terms and conditions that are consistent with the Act and Commission regulations and with standards approved or established by the Commission in a written notification to the contract market of the applicability of this paragraph; provided, however, that the Commission may at any time alter or revoke the applicability of such a notice to any particular contract;

(B) Index contracts. Routine changes in the composition, computation, or method of selection of component entities of an index other than a stock index referenced and defined in the contract's terms, made by an independent third party whose business relates to the collection or dissemination of price information and which was not formed solely for the purpose of compiling an index for use in connection with a futures of option contract;

(C) Survey lists for cash settled contracts. Proposals relating to the initial listing or changes to the lists of banks, brokers, dealers or other entities which provide price or cash market information to a contract market for purposes of computing cash settlement prices or a cash price series or for defining the deliverable supply for physical delivery contracts, if consistent with a rule approved by the Commission establishing standards or criteria for the persons or entities which qualify for the list;

(D) Non-material revisions. Corrections of typographical errors, renumbering, periodic routine updates to identifying information about approved entities and other such nonsubstantive revisions of contract terms and conditions that have no effect on the economic characteristics of the contract;

(E) Trading hours. Changes to trading hours; provided that for changes that permit trading between 6:00 p.m. and 7:00 am local time where the contract market is located, the contract market has previously received Commission approval for trading in such hours in at least one designated contact, and that the change does not provide for the initial listing of a contract on an automated trading system;

(F) Trading months. Proposals to list initially or to change the listing of trading months for futures and options on physicals contracts which are not outside of a previously approved listing cycle and were not previously delisted, unless the delisted month is being relisted subsequent to the amendment of a contract term or condition approved or deemed to be approved by the Commission under this section and proposals to delist trading months having no open interest;

(G) Discretionary option strike prices. The non-routine listing of option strike prices not required to be listed under the automatic listing procedures; and

(H) Listings on supplemental trading sessions. Changes to the months or strike prices listed for trading during supplemental trading sessions outside normal trading hours where such listings represent all or a subset of the months or strikes listed during regular trading hours.

(ii) The contract market must provide to the Commission at least weekly a summary notice of all rule changes made pursuant to this paragraph during the preceding week. Such notice must be labeled ''Weekly List of Pre-Approved Rule Changes'' and need not be filed for weeks during which no such actions have been taken. One copy of each such submission shall be furnished in hard copy or electronically in a format specified by the Secretary of the Commission to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

(iii) The Commission will, within three business days after receipt of the submission, notify the contract market making the submission if it appears that change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(a)(12)(A) of the Act and paragraph (b)(1) of this section.

* * * * *

(d) * * *

(2) Rules that are exempt from the requirements of section 5a(a)(12)(A) of the Act in accordance with the provisions of this paragraph (d) shall nonetheless be submitted to the Commission pursuant to the provisions of section 5a(a)(1) of the Act. Each such submissions shall be labeled as being submitted pursuant to section 5a(a)(1) of the Act and paragraph (d) of this section. The contract market may instead provide to the Commission, at least weekly, a summary notice of all rule changes made pursuant to this paragraph during the preceding week. One copy of each such submissions shall be furnished in hard copy or electronically in a format specified by the Secretary of the Commission to the Commodity Futures Trading Commission, Three Lafayette Centre,

1155 21st Street NW., Washington, DC 20581.

* * * * *

3. Section 1.45 is removed and reserved.

Issued in Washington, DC, this 7th day of July, 1999 by the Commodity Futures Trading Commission.

Jean Webb,

Secretary of the Commission.

[FR Doc. 99–17812 Filed 7–14–99; 8:45 am]

BILLING CODE 6351–01–M

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 516

RIN 3141–AA20

Administrative Practice and Procedure; Testimony; Information; Response to Subpoena

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule.

SUMMARY: The National Indian Gaming Commission proposes to issue regulations describing the duties of its personnel with respect to litigation involving the National Indian Gaming Commission or the official responsibilities of National Indian Gaming Commission employees.

DATES: Comments may be submitted on or before August 16, 1999.

ADDRESSES: Comments may be mailed to: Testimony Regulation Comments, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005, delivered to that address between 8:30 a.m. and 5:30 p.m., Monday through Friday, or faxed to 202/632–7066 (this is not a toll-free number). Comments received may be inspected between 9:00 a.m. and noon, and between 2:00 p.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard Schiff at 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Because the National Indian Gaming Commission is regularly associated with a variety of matters which have the potential for resulting in litigation, the National Indian Gaming Commission has a requirement for regulations describing the duties of its personnel with respect to such litigation. This proposed rule promulgates for the National Indian Gaming Commission the regulations contemplated by the United States Supreme Court in *United States Ex. Rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951).

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Because this rule is procedural in nature, and affects principally the actions of personnel of the National Indian Gaming Commission, it will not impose substantive requirements that could be deemed impacts within the scope of the Act.

Paperwork Reduction Act

Although the proposed regulation mandates that litigants seeking the testimony of National Indian Gaming Commission personnel submit a written request, the requirement is simply a formal embodiment of existing practice and in some cases a substitute for a subpoena or other process. In any event it is at most a de minimus requirement.

National Environmental Policy Act

The National Indian Gaming Commission has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

List of Subjects in 25 CFR Part 516

Administrative practice and procedure, Gambling, Indians—lands, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the National Indian Gaming Commission proposes to amend 25 CFR Chapter III by adding a new Part 516 as follows:

PART 516—TESTIMONY OF COMMISSIONERS AND EMPLOYEES AND FORMER COMMISSIONERS AND FORMER EMPLOYEES RESPECTING OFFICIAL DUTIES; RESPONSE TO SUBPOENA

Sec.

516.1 What is the purpose of this part and to whom does it apply?
516.2 When may a person to whom this part applies give testimony, make a statement or submit to interview?
516.3 When may a person to whom this part applies produce records?
516.4 How are records certified or authenticated?

Authority: 25 U.S.C. 2706; 25 U.S.C. 2716(a); 18 U.S.C. 1905.

§ 516.1 What is the purpose of this part and to whom does it apply?

(a) The purpose of this part is to promulgate regulations regarding the release of official National Indian Gaming Commission information and provision of testimony by National Indian Gaming Commission personnel with respect to litigation or potential litigation and to prescribe conduct on the part of National Indian Gaming Commission personnel in response to a litigation-related request or demand.

(b) This part applies to litigation-related requests or demands (including subpoena, order or other demand) for interview, testimony (including by deposition) or other statement, or for production of documents relating to the business of the National Indian Gaming Commission, whether or not the National Indian Gaming Commission or the United States is a party to the litigation. It does not, however, apply to document requests covered by 25 CFR parts 515 and 517.

(c) To the extent the request or demand seeks official information or documents, the provisions of this part are applicable to Commissioners, employees, and former Commissioners and former employees, of the National Indian Gaming Commission.

§ 516.2 When may a person to whom this part applies give testimony, make a statement or submit to interview?

(a) No person to whom this part applies, except as authorized by the Chairman or the General Counsel pursuant to this part, shall provide testimony, make a statement or submit to interview.

(b) Whenever a subpoena commanding the giving of any testimony has been lawfully served upon a person to whom this part applies, such individual shall, unless otherwise authorized by the Chairman or the General Counsel, appear in response thereto and respectfully decline to testify on the grounds that it is prohibited by this part.

(c) A person who desires testimony or other statement from any person to whom this part applies may make written request therefor, verified by oath, directed to the Chairman setting forth his or her interest in the matter to be disclosed and designating the use to which such statement or testimony will be put in the event of compliance with such request: *Provided,* that a written request therefor by an official of any federal, state or tribal entity, acting in his or her official capacity need not be verified by oath. If it is determined by the Chairman or the General Counsel that such statement or testimony will be

in the public interest, the request may be granted. Where a request for a statement or testimony is granted, one or more persons to whom this part applies may be authorized or designated to appear and testify or give a statement with respect thereto.

§ 516.3 When may a person to whom this part applies produce records?

(a) Any request for records of the National Indian Gaming Commission shall be handled pursuant to the procedures established in 25 CFR parts 515 and 517 and shall comply with the rules governing public disclosure as provided in 25 CFR parts 515 and 517.

(b) Whenever a subpoena duces tecum commanding the production of any record, has been lawfully served upon a person to whom this part applies, such person shall forward the subpoena to the General Counsel. If commanded to appear in response to any such subpoena, a person to whom this part applies shall respectfully decline to produce the record on the ground that production is prohibited by this part and state that the production of the record(s) of the National Indian Gaming Commission is a matter to be determined by the General Counsel.

§ 516.4 How are records certified or authenticated?

(a) Upon request, the person having custody and responsibility for maintenance of records which are to be released under this part or 25 CFR parts 515 or 517 may certify the authenticity of copies of records that are requested to be provided in such format.

(b) A request for certified copies of records or for authentication of copies of records shall be sent to the National Indian Gaming Commission, Attention: Freedom of Information Act Officer.

This proposed rule was prepared under the direction of Barry W. Brandon, General Counsel, National Indian Gaming Commission, 1441 L St. NW., Suite 9100, Washington, DC 20005.

Signed at Washington, DC, this 1st day of July, 1999.

Montie R. Deer,

Chairman, National Indian Gaming Commission.

[FR Doc. 99–17903 Filed 7–14–99; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–140–FOR; State Program Amendment No. 98–4]

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposes additions of rules concerning blaster certification. Indiana intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Indiana program and amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., e.s.t., August 16, 1999. If requested, we will hold a public hearing on the amendment on August 9, 1999. We will accept requests to speak at the hearing until 4:00 p.m., e.s.t. on July 30, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Andrew R. Gilmore, Director, Indianapolis Field Office, at the address listed below.

You may review copies of the Indiana program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Indianapolis Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, Telephone: (317) 226–6700.

Indiana Department of Natural Resources, Bureau of Mine Reclamation, 402 West Washington Street, Room W–295, Indianapolis, Indiana 46204, Telephone: (317) 232-1291.

Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, Indiana 47438–9517, Telephone: (812) 665–2207.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office. Telephone: (317) 226–6700. Internet: INFOMAIL@indgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the July 26, 1982, **Federal Register** (47 FR 32107). You can find later actions on the Indiana program at 30 CFR 914.10, 914.15, and 914.16.

II. Description of the Proposed Amendment

By letter dated July 1, 1999 (Administrative Record No. IND–1659), Indiana sent us an amendment to its program under SMCRA. Indiana sent the amendment at its own initiative. Indiana proposes to amend the Indiana Administrative Code. Below is a summary of the changes proposed by Indiana. The full text of the proposed program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. 310 IAC 12–8–4.1, Application for Certification

Indiana proposes to add this section to require persons wishing to become certified blasters to submit an application for certification to the department. The application must be in writing, on forms supplied by the department, and completed in accordance with the application instructions. If an application form is incomplete, the department will notify the applicant of the deficiencies. The applicant will then have thirty days to provide the required information. If the applicant does not provide the required information, the department will terminate the application. The director or an authorized representative may verify the information shown on the application. Finally, if the department terminates the application, the applicant will not be considered for certification. However, the applicant may submit a new application at any time.

B. 30 IAC 12–8–8.1, Renewal

Indiana proposes to add this section to require a certified blaster to renew his or her certification every three years. The request for renewal must be submitted to the department in writing, on forms supplied by the department, within thirty days prior to expiration of the certificate. The department will approve the renewal request if the certified blaster has worked at least twelve months of the preceding thirty-six as a certified blaster and is not in violation of 310 IAC 12–8–9. If the certified blaster does not renew his or her certification within one year after expiration, the certificate will no longer be renewable. A blaster must then submit a new application for certification. The department will send a renewal notice to each registrant at least two months before expiration of certification. Finally, the renewal notice and all other communications will be sent to the last address the registrant gave to the department. Failure to receive a renewal notice does not relieve the certified blaster of the obligation to renew his or her certification.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Indiana program.

Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on July 30, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodations to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 7, 1999.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 99–17981 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11–99–008]

RIN 2115–AA98

Anchorage Regulation; Los Angeles-Long Beach Harbors, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposes to revise the anchorage ground regulations for Los Angeles and Long Beach Harbors. The proposed regulations have been reorganized to improve readability and to update references to other sections of the Code of Federal Regulations. Additionally, construction activity in the port complex has resulted in the creation of landfills in some areas currently designated as anchorages. This proposal eliminates or reconfigures these anchorages to conform with changes in the geography of the harbors. Finally, the Coast Guard proposes additional notification and operating requirements on some vessels which are necessary to ensure the safety of the port complex.

DATES: Comments must be received on or before September 13, 1999.

ADDRESSES: Comments should be mailed to Commanding Officer, USCG Marine Safety Office, Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach, CA 90802. The comments and other materials referenced in this notice will be available for inspection and copying at the Marine Safety Office. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rob Coller, Chief, Waterways Management Division, Marine Safety Office, Los Angeles-Long Beach, telephone (562) 980–4426.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments to the office listed under **ADDRESSES** in this preamble. Persons submitting comments should include their names and addresses, identify the docket number for the regulations (CGD11–99–008), the specific section of the proposal which their comments apply, and give reasons for each comment.

The regulations may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, however, one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rule making process.

Background and Purpose

The Coast Guard proposes to revise the anchorage ground regulations, 33 CFR 110.214, for Los Angeles and Long Beach Harbors. The proposed regulations are designed to simplify the current regulations, reconfigure the anchorages with respect to changed geographic conditions and the current chart datum, and incorporate appropriate safety standards where necessary to ensure safe navigation.

Discussion of Proposed Regulations

The current regulation, may be confusing because they mix information of an advisory nature with mandatory regulatory requirements and it is difficult to determine which activities can be performed in various anchorages. Currently, many requirements are listed in paragraph (a), which describes the physical layout of the anchorages, instead of paragraph (b), which contains the general regulations. The proposed regulations are rewritten so that paragraph (a) discusses general requirements relating to all anchorages in this section, including those activities which require Captain of the Port (COTP) permits under the various regulations enforced by the COTP. Proposed paragraph (b) describes only the physical location of each anchorage; the designation of ''non-anchorage'' areas has been eliminated because the general requirement that vessels may not anchor anywhere outside of designated anchorage areas makes the designation of ''non-anchorage'' areas redundant and confusing. Proposed paragraph (c) describes specific requirements applicable to individual anchorages, and has been placed in table format. Proposed paragraph (d) describes explosives anchorage requirements.

The proposed regulations eliminate or reconfigure several anchorages to reflect completed and ongoing construction of new faciltieis in the port complex.

Existing commercial anchorage area ''A'' will be eliminated by the proposed regulations. As part of the Port of Los Angeles Pier 400 expansion project, this existing anchorage has been replaced by a shallow water habitat area, which is unsuitable as a commercial vessel anchorage. A new commercial anchorage area ''A'' will be established within a portion of the existing commercial anchorage ''C''.

Existing commercial anchorages ''B'' and ''C'' are also affected by the Pier 400 construction project. The Pier 400 facility will occupy much of these existing anchorage areas, eliminating entirely those portions of these anchorages within the Port of Los Angeles boundaries. Proposed anchorage area ''B'' will be located entirely within the southwestern portion of the Port of Long Beach, replacing existing anchorage ''C'' and naval anchorage ''J''. Naval anchorage ''J'' will be eliminated. Anchorage ''C'' will move from its present location to a new location in the northeast portion of the Port of Long Beach.

Existing commercial anchorage ''D'' and naval anchorage ''K'' will be consolidated into a new commercial anchorage ''D''.

Although naval anchorages ''J'' and ''K'' will be eliminated (becoming part of the reconfigured ''B'' and ''D'' commercial anchorages, respectively), the Department of Defense will retain priority for using the eastern portion of proposed anchorage ''D''.

The boundary of anchorage ''E'' is being adjusted as a result of a breakwater constructed in the Port of Long Beach adjacent to Pier J. This breakwater reduced the area suitable for anchoring as it extends into existing anchorage ''E'' and if left unchanged would make it difficult for vessels to enter or depart the Pier J facility when vessels were anchored there. Accordingly, proposed anchorage ''E'' is being modified to allow vessels an unobstructed passage when entering or departing the terminal at Pier J. Anchorage Area ''E'' is also being subdivided with the western portion of existing anchorage ''E'' retaining this designation and the eastern portion of anchorage ''E'' being slightly re-configured and renamed as Anchorage ''C''.

The northern boundary of General Anchorage ''N'' has been adjusted due to the establishment of boating slips in the northern portion of the anchorage. These boating slips provide the opportunity to moor to a dock instead of anchoring.

General Anchorage Area ''O'' will be eliminated by the proposed regulations. This area is being filled and is not currently used as an anchorage.

Boundaries for the explosives anchorage and existing anchorages ''F'' and ''G'' will not change. Finally, this rulemaking does not affect anchorage Area ''A–2'' which is established as a special anchorage area described in 33 CFR 110.100.

Although several anchorages are being eliminated or reconfigured by the proposed regulations, a sufficient number of anchorages are believed available to meet the both current and anticipated future needs of the port complex. Importantly, the construction of terminals and/or landfills in U.S.

navigable waters was the subject of a separate permit process administered by the U.S. Army Corps of Engineers. The proposed anchorage areas are designed to most effectively meet the demands of vessels desiring to anchor within Los Angeles and Long Beach Harbors.

Finally, certain outdated practices and procedures have been eliminated or changed and new procedures to better ensure the safety of navigation and the protection of the environment have been added. The regulations also conform to the current definitions of explosives, cargoes of particular hazard and certain dangerous cargoes which have been revised in other sections of 33 CFR. Requirements to obtain permits for certain activities such as the handling or carriage of explosives, and extended anchorage stays are all explicitly detailed. Watchkeeping and other general requirements pertinent to commercial vessels at anchorage are set forth in section (a). Additionally, some activities such as bunkering and lightering are permissible only in specified anchorage locations and are prohibited in others. These are outlined in section (c) which discusses requirements and procedures which vary from anchorage to anchorage.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require and assessment of potential costs and benefits under section 6 (a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the Department of Transportation Regulatory Policies and Procedures (DOT) (44 FR 11040, February 26, 1979). The Cost Guard expects the 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.

The proposed regulation only make substantive changes in anchorage designations to conform with the changed geography of the harbor and to best make use of available water. Some of the proposed designated procedures reflect various additions to, and changes in, existing regulatory requirement; however, they are all proposed in the interest of safe navigation and protection of the port complex, and most of the mariners affected already practice these procedures as a matter of prudent seamanship.

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 small businesses and not-for-profit organizations that are not dominate in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rule making process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact LT Rob Coller, Coast Guard Marine Safety Office Los Angeles-Long Beach, at the address listed in **ADDRESSES**.

Collection of Information

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

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1C, Figure 2–1, paragraph (34)(f), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. No new anchorage areas are being established, and existing anchorages are merely being reconfigured or eliminated. A Categorical Exclusion Determination and Environmental Analysis Checklist have been completed and are available in the rulemaking docket.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this proposed rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

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

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

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

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

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation

For the reasons set out in the preamble, Coast Guard proposes to amend Subpart B of Part 110, Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46; and, 33 CFR 1.05–1(g).

2. Section 110.214 is revised to read as follows:

§ 110.214 Los Angeles, and Long Beach Harbors, California.

(a) *General Regulations.*

(1) *Anchorage Assignment.* (i) Unless otherwise directed by the Captain of the Port Los Angeles-Long Beach, the pilot stations for the Port of Long Beach and the Port of Los Angeles will assign the use of commercial anchorages within their jurisdictions (Long Beach and Los Angeles Harbors respectively). All anchorages outside (seaward) of the federal breakwater will be assigned by the Los Angeles-Long Beach Vessel Traffic Information Service (VTIS). The master, pilot, or person in charge of a vessel must notify the appropriate pilot station (for anchorages inside the federal breakwater) or the VTIS (for anchorages outside the federal breakwater) of their intention to anchor, upon anchoring, and at least fifteen minutes prior to departing an anchorage. All anchorage assignments will be made as described in this part unless modified by the Captain of the Port.

(ii) Radio communications for port entities governing anchorages are as follows: Los Angeles-Long Beach Vessel Traffic Information Service, call sign ''LA-Long Beach Traffic,'' Channel 14 VHF–FM; Los Angeles Port Pilots, Channel 73 VHF–FM; Long Beach Port Pilots, Channel 74 VHF–FM.

(iii) The exact boundary separating the Port of Long Beach from the Port of Los Angeles is published in local Port Tariffs. For purposes of this rule, Long Beach waters are those east, and Los Angeles waters are those west, of the following locations:

(A) Inner Harbor: The Henry Ford (Badger Avenue) Bridge.

(B) Middle Harbor: The Pier 400 Transportation Corridor.

(C) Outer Harbor: The western boundary of Commercial Anchorage B.

(2) *Required approvals, permits and notifications.*

(i) No vessel may anchor anywhere within Los Angeles or Long Beach harbors for more than 10 consecutive days unless an extended anchorage permit is obtained from the captain of the Port. In determining whether an extended anchorage permit will be granted, consideration will be given, but not necessarily limited to: the current and anticipated demands for anchorage space within the harbor, the duration requested, the condition of the vessel, and the reason for the request.

(ii) No vessel while carrying, loading, or unloading diversion 1.1 or 1.2 materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.203, may anchor without first obtaining a permit issued by the Captain of the Port.

(iii) Vessels requiring use of an explosives anchorage should contact the Captain of the Port at least 24 hours prior to the anticipated need for the explosives anchorage to allow for proper activation of that anchorage.

(iv) Except with the prior approval of the Captain of the Port, or, in the case of an emergency, with approval of the Captain of the Port immediately subsequent to anchoring, no commercial vessel greater than 1600 gross tons may anchor in Los Angeles-Long Beach Harbor unless it maintains the capability to get underway within 30 minutes. Any vessel unable to meet this requirement must immediately notify the Captain of the Port and make arrangements for an adequate number of tugs to respond to the vessel within 30 minutes notice.

(v) In anchorages where lightering is authorized, the Captain of the Port must be notified at least 4 hours in advance of a vessel conducting lightering operations (see 33 CFR 156.118).

(3) *Other General Requirements.*

(i) When at anchor, all commercial vessels greater than 1600 gross tons shall, at all times, have a licensed deck officer on watch and maintain a continuous radio listening watch unless subject to one of the exemptions in paragraph 3(i)(a) through 3(i)(c). The radio watch must be on CH–13 VHF–FM when anchored inside the federal breakwater, and on CH–14 VHF–FM or on CH–16 VHF–FM when anchored outside the federal breakwater, except for unmanned barges; vessels which have less than 100 gallons of oil or fuel onboard regardless of how the fuel is carried; and other vessels receiving advance approval from the Captain of the Port.

(ii) When sustained wind speeds exceed 40 knots, all anchored commercial vessels greater than 1600 gross tons shall ensure their propulsion plant is placed in immediate standby and a second anchor is made ready to let go. Vessels unable to comply with this requirement must immediately notify the Captain of the Port. In such case, the Captain of the Port may require the vessel to have one or more tugs standing by to render immediate assistance.

(4) *Prohibitions.* Within Los Angeles Harbor, Long Beach Harbor, and the Los Angeles-Long Beach Precautionary Area, except for emergency reasons, or with the prior approval of the Captain of the Port, vessels are prohibited from anchoring outside of designated anchorage areas. In the event a vessel anchors outside a designated anchorage area for emergency reasons, the master, pilot, or person in charge of the vessel shall:

(i) position the vessel so as to minimize the danger to other vessels and facilities;

(ii) immediately notify the Captain of the Port by the most expeditious means of the vessel's location and the reason(s) for the emergency anchoring; and

(iii) move the vessel as soon as the emergency condition prompting anchoring outside a designated area abates, or as soon as ordered to move by the Captain of the Port, whichever occurs sooner.

(5) *Exemption from rules.* The Captain of the Port may, upon request, or whenever he/she deems appropriate, authorize a deviation from any rule in this section.

(b) *The anchorage grounds.* Locations of anchorage grounds are as described in this section. Specific requirements for individual anchorages are contained in paragraphs (c) and (d) of this section. All coordinates referenced use datum: NAD 83.

(1) *Commercial Anchorage A (Los Angeles Harbor).* A circular area with a radius of 400 yards (approximately 366 meters), centered in position 33° – 43′ – 19.2″N, 118° – 14′ – 18.5″W.

(2) *Commercial Anchorage B (Long Beach Harbor).*

An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33° – 44′ – 37.0″N	118° – 13′ – 00.0″W
Thence south/southeast to	33° – 44′ – 12.0″N	118° – 12′ – 36.2″W
Thence southeast to	33° – 43′ – 38.2″N	118° – 11′ – 36.9″W
Thence southwest to	33° – 43′ – 26.1″N	118° – 11′ – 47.2″W

	Latitude	Longitude
Thence west to	33° – 43′ – 26.1″N	118° – 12′ – 22.7″W
Thence west/southwest to	33° – 42′ – 58.9″N	118° – 13′ – 53.0″W
Thence north/northwest to	33° – 44′ – 15.3″N	118° – 14′ – 26.6″W
Thence northeast to	33° – 44′ – 25.1″N	118° – 14′ – 15.6″W
Thence southeast to	33° – 44′ – 22.8″N	118° – 13′ – 51.0″W
Thence east/northeast to the beginning point.		

(3) *Commercial Anchorage C (Long Beach Harbor).*

An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33° – 44′ – 20.0″N	118° – 08′ – 26.2″W
Thence west to	33° – 44′ – 23.5″N	118° – 09′ – 32.6″W
Thence north to	33° – 44′ – 52.8″N	118° – 09′ – 33.2″W
Thence southeast to	33° – 44′ – 25.2″N	118° – 08′ – 26.2″W
Thence south to the beginning point.		

(4) *Commercial Anchorage D (Long Beach Harbor).*

An area enclosed by a line beginning near the east end of the Long Beach Breakwater and joining the following coordinates:

	Latitude	Longitude
Beginning point	33° – 43′ – 27.2″N	118° – 08′ – 12.6″W
Thence west to	33° – 43′ – 27.2″N	118° – 10′ – 46.5″W
Thence north to	33° – 43′ – 51.0″N	118° – 10′ – 46.5″W
Thence northeast to	33° – 44′ – 18.5″N	118° – 10′ – 27.2″W
Thence east to	33° – 44′ – 18.5″N	118° – 08′ – 12.6″W
Thence south to the beginning point.		

(5) *Commercial Anchorage E (Long Beach Harbor).*

An area enclosed by a line joining the following coordinates:

	Latitude	Longitude
Beginning point	33° – 44′ – 55.3″N	118° – 09′ – 40.2″W
Thence southwest to	33° – 44′ – 18.5″N	118° – 09′ – 56.8″W
Thence west to	33° – 44′ – 18.5″N	118° – 10′ – 27.2″W
Thence northwest to	33° – 44′ – 27.6″N	118° – 10′ – 41.0″W
Thence west/northwest to	33° – 44° – 29.0″N	118° – 10′ – 57.4″W
Thence north/northwest to	33° – 45′ – 06.4″N	118° – 11′ – 09.5″W
Thence northeast to	33° – 45′ – 15.2″N	118° – 10′ – 46.1″W
Thence southeast to the beginning point.		

(6) *Commercial Anchorage F (outside of Long Beach Breakwater).*

The waters southeast of the Long Beach Breakwater bounded by a line connecting the following coordinates:

	Latitude	Longitude
Beginning point	33° – 43′ – 05.1″N	118° – 07′ – 59.0″W
Thence west to	33° – 43′ – 05.1″N	118° – 10′ – 36.5″W
Thence south/southeast to	33° – 40′ – 23.0″N	118° – 08′ – 35.3″W
Thence east to	33° – 40′ – 23.0″N	118° – 06′ – 03.0″W
And thence north/northwest to the beginning point.		

(7) *Commercial Anchorage G (outside of the Middle Breakwater).*

The waters south of the Middle Breakwater bounded by a line connecting the following coordinates:

	Latitude	Longitude
Beginning point	33° – 43′ – 05.4″N	118° – 11′ – 18.0″W
Thence west to	33° – 43′ – 05.4″N	118° – 12′ – 18.7″W
Thence west/southwest to	33° – 42′ – 25.9″N	118° – 14′ – 19.2″W
Thence southeast to	33° – 41′ – 40.3″N	118° – 13′ – 05.2″W
Thence east/northeast to	33° – 42′ – 08.8″N	118° – 11′ – 36.8″W
And thence north/northeast to the beginning point.		

(8) *General Anchorage N (Los Angeles Harbor).*

The waters near Cabrillo Beach shoreward of a line connecting the following coordinates:

	Latitude	Longitude
	33° – 42′ – 55.9″N	118° – 16′ – 44.4″W
	33° – 42′ – 26.8″N	118° – 16′ – 33.9″W

(9) *General Anchorage P (Long Beach Harbor).*

The waters within an area beginning at Alamitos Bay West Jetty Light ''1'' and connecting the following coordinates:

	Latitude	Longitude
Beginning point	33° – 44′ – 14.5″N	118° – 07′ – 19.2″W
Thence northwest to	33° – 44′ – 20.6″N	118° – 07′ – 31.7″W
Thence northwest	33° – 45′ – 06.5″N	118° – 09′ – 34.0″W
Thence along the eastern shoreline of Island White to the lighted marker at	33° – 45′ – 13.5″N	118° – 09′ – 34.0″W
Thence northwest to	33° – 45′ – 37.1″N	118° – 10′ – 38.5″W
Thence north/northwest to	33° – 45′ – 49.4″N	118° – 10′ – 38.8″W
And thence east/southeast along the Long Beach shoreline and the Alamitos Bay West Jetty to the beginning point.		

(10) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay).*

The waters within an area described as follows:

	Latitude	Longitude
Beginning point	33° – 44′ – 36.0″N	118° – 08′ – 13.0″W
Thence east/southeast to	33° – 44′ – 20.6″N	118° – 07′ – 31.7″W
Thence along a line described as an arc, radius of 460 meters (approximately 1509 feet) centered on	33° – 44′ – 12.5″N	118° – 07′ – 16.5″W
	33° – 44′ – 04.8″N	118° – 07′ – 1.0″W
Thence northwest to	33° – 44′ – 11.1″N	118° – 07′ – 13.0″W
Thence north/northeast to	33° – 44′ – 24.0″N	118° – 07′ – 04.1″W
Thence east/southeast to	33° – 44′ – 22.5″N	118° – 06′ – 57.0″W
Thence along the shoreline of Seal Beach and Anaheim Bay W. Jetty to	33° – 43′ – 39.1″N	118° – 06′ – 06.8″W
Thence west/southwest to	33° – 43′ – 27.8″N	118° – 07′ – 39.9″W
Thence northwest to	33° – 43′ – 38.4″N	118° – 07′ – 48.2″W
Thence west to	33° – 43′ – 38.4″N	118° – 08′ – 12.9″W
and thence north to the beginning point.		

(11) *Explosives Anchorage (Long Beach Harbor).*

A circular area with a radius of 1,909 yards (1,745 meters), centered in position 33°43′37.0″ N, 118°09′05.3″ W.

(c) *Individual anchorage requirements:*

(1) Table 110.214(c) lists anchorage grounds, identifies the purpose of each anchorage, and contains specific regulations applicable to certain anchorages. Requirements for the explosives anchorage are contained in paragraph (d) of this section.

(2) The geographic boundaries of each anchorage are contained in paragraph (b) of this section.

TABLE 110.214(C)

Anchorage	General location	Purpose	Specific regulations
A	Los Angeles Harbor	Commercial	Note a.
B	Long Beach Harbor	.....do	Do.
C	.....do	.....do	Notes a,g.
D	.....do	Comm'l and Naval	Notes a,b,g.
E	.....do	Commercial	Notes c.
F	Outside Breakwater	.....do	Notes c,g.
G	.....do	.....do	Notes c,d.
N	Los Angeles Harbor	Small Craft	Note e.
P	Long Beach Harbor	.....do	Note f.
Q	.....do	.....do	Notes c,g.

Notes: a. Bunkering and lightering are permitted.

b. West of 118°–09′–48″ W priority for use of the anchorage will be given to commercial vessels over 244 meters (approximately 800 feet). East of 118°–09′–48″ W priority for use of the anchorage will be given to Naval and Public vessels, vessels under Department of Defense charter, and vessels requiring use of the explosives anchorage.

c. Bunkering and lightering are prohibited.

d. This anchorage is within a Regulated navigation area and additional requirements apply as set forth in 33 CFR 165.1109(e).

e. This anchorage is controlled by the Los Angeles Port Police. Anchoring, mooring and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations are allowed in this anchorage.

f. This anchorage is controlled by the Long Beach Harbor Master. Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations are allowed in this anchorage.

g. When the explosives anchorage is activated portions of this anchorage lie within the explosives anchorage and the requirements of paragraph (d) of this section apply.

(d) *Explosives Anchorage (Long Beach Harbor):*

(1) Priority for use of this anchorage shall be given to vessels carrying, loading, or unloading division 1.1, 1.2, 1.3, or 1.4 (explosive) materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.203.

(2) Vessels requiring the use of this anchorage shall notify the Captain of the Port at least 24 hours in advance of their intentions including the estimated times of arrival, departure, net explosive weight, and whether the vessel will be loading or unloading. Vessels may not use this anchorage without first obtaining a permit issued by the Captain of the Port.

(3) No vessel containing more than 680 metric tons (approximately 749 tons) of net explosive weight (NEW) may anchor in this anchorage;

(4) Bunkering and lightering operations are permitted in the explosives anchorage, except that vessels engaged in the loading or unloading of explosives shall not simultaneously conduct bunkering or lightering operations.

(5) Each anchored vessel loading, unloading or laden with explosives, must display a red flag of at least 1.2 square meters (approximately 16 square feet) in size by day, and at night the flag must be illuminated by spotlight;

(6) When a vessel displaying the red flag occupies the explosives anchorage, no other vessel may anchor within the Explosives Anchorage.

Note: When the explosives anchorage is activated, portions of Anchorages ''C'', ''D'', ''F'' and ''Q'' are encompassed by the explosives anchorage.

Dated: June 18, 1999.

T.H. Collins,

Vice Admiral, USCG, Commander, Eleventh Coast Guard District.

[FR Doc. 99–17906 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2530

[WO–320–00–4212–02]

Indian Allotments

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: The Bureau of Land Management (BLM) hereby gives notice that it is reopening the comment period on a Notice of Proposed Rule, which was published in the **Federal Register** on October 16, 1996 (61 FR 53887). The comment period for the proposed rule expired on November 15, 1996. The proposed rule erroneously stated that the information requirements in the rule were not subject to the provisions of the Paperwork Reduction Act. BLM is reopening the comment period on the proposed rule for 60 days to accept comments on the information requirements and on any other aspects of the proposed rule.

DATES: Submit all comments by September 13, 1999. Comments received after the closing date may not be considered in preparing the final rule.

ADDRESSES: Send all comments related to the information aspects of the proposed rule to: Office of Information and Regulatory Affairs, Office of Management and budget, Attn: Interior Desk Officer (1004–NEW), 725 17th St., NW, Washington, DC. Please send a copy of your comments to: Administrative Record, Bureau of Land Management, 1849 C St., NW, Mail Stop 401 LS, Washington, DC 20240 or e-mail them to *WoComment@blm.gov*.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren, Lands and Realty Group, (202) 452–7779, e-mail: *jeff__holdren@blm.gov*, for information about BLM's Indian allotment program. Carole Smith, Regulatory Affairs Group, (202) 452–0367, e-mail: *carole__smith@blm.gov*, for the information collection aspects of the proposed rule. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service between 8 a.m. and 8 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On October 16, 1996, BLM published a notice of a proposed rule in the **Federal Register**. This rule at 43 CFR part 2530 would revise the provisions on Indian allotments to: (1) Identify the requirements for Indian allotments, (2) describe the steps that a person must take to file an application for an Indian allotment on BLM-administered lands and on public domain lands within national forests, (3) impose an application processing fee of $100 per application, (4) clarify various requirements, including how to apply for a trust patent, and (5) present the material in plain language.

The comment period closed on November 15, 1996. Only one comment was received. To give individuals who did not comment during the initial 30-day comment period a chance for a longer time to consider the proposed regulations, BLM is reopening the comment period for an additional 60 days.

Discussion of Statute and Proposed Regulations

Section 4 of the Indian General Allotment Act of February 8, 1887 (43 U.S.C. 1740) provides that, if you are an Indian eligible for an allotment, you may apply for an allotment to the BLM office having jurisdiction over the lands covered by your application. Your eligibility depends upon your being able to furnish documentation from the Bureau of Indian Affairs that shows you are an Indian who meets the requirements of the Act. If you are eligible, your minor child is also qualified to file for an allotment under the Act.

The regulations at 43 CFR part 2530 implement the provisions of the Act. The proposed regulations update the current regulations to incorporate changes that have occurred since 1972, when the current regulations became effective. These include changes describing how BLM will process applications to include provisions relating to the National Environmental Policy Act, the Federal Land Policy and Management Act (FLPMA), and the laws relating to hazardous substances. FLPMA requirements including meeting the planning requirements and the 2-year notification to grazing permittees and lessees.

The proposed regulations would also require a $100 filing fee to reimburse BLM partially for processing each application.

The proposed regulations at § 2530.10 specify what lands are available for an Indian allotment and would: (1) Affirm that approving an Indian allotment is at BLM's discretion, (2) require that BLM ensure that the lands under application are valuable for agriculture or grazing, and suitable physically and economically, and (3) provide that lands otherwise appropriated or segregated from surface entry are not available for selection.

The proposed regulations would also:

- Renumber current sections of the regulations, as described in the earlier notice (61 FR 53888),
- Add provisions at § 2530.10 to inform applicants of the need to select lands properly classified for settlement under the Act,
- Substantially streamline current regulatory provisions at § 2530.13 by substituting a general reference to the requirement that an applicant for an Indian allotment submit documentation

of eligibility from the Bureau of Indian Affairs to BLM,

• Clarify at § 2530.14 the eligibility requirements of children of living allotment applicants and orphaned children,

• Itemize at § 2530.16 the information applicants need to provide in their applications,

• Describe the requirements for obtaining a trust patent at subpart 2531, including successfully completing the 2-year settlement period on the allotment and meeting all other requirements, and

• At subpart 2533, address the requirements for getting applications approved for Indian allotments on public domain national forest lands. These include submitting applications to the District Ranger or Forest Supervisor and documentation to show one or more of the following: (1) You are not entitled to an allotment on an existing reservation, (2) you belong to a tribe without a reservation, or (3) you belong to a reservation that is insufficient in size to accommodate allotments for the members of the tribe.

Paperwork Reduction Act Requirements

The proposed regulations inadvertently stated that the information requirements in the rule were not subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and did not require approval from the Office of Management and Budget (OMB). The information requirements are in fact subject to OMB approval. We therefore request your comments on the information requirements, including any comments you may have in the following areas;

• Whether collecting the information is necessary for the proper functioning of BLM, including whether the information will have practical utility;

• The accuracy of BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information to be collected; and

• How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

The information requirements in the proposed regulations and the estimated burden for complying with the requirements are as follows:

Type of information	Estimated burden (in hours)
Pre-application visit to BLM	1
Application for new allotment, including plan of development and certificate of eligibility	0.5
List of heirs and their relationship to allottee	0.25
Application for trust patent	2
Application for extension of time to meet requirements ..	1

BLM estimates that the following average annual number of respondents for each of the actions given in the table: Five pre-application visits; five applicants for new allotments filing applications with BLM; three applicants giving a list of heirs; two applicants filing for trust patents, and one applicant filing for an extension of time in which to prove the allotment. Based on the burden estimates given in the table, the total annual burden for complying with the information is 13 hours.

If you would like a copy of the proposed information collection or the proposed rule, please contact the BLM Information Collection Officer listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: June 25, 1999.

Michael Schwartz,

Manager, Regulatory Affairs Group.

[FR Doc. 99–18082 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket RSPA–99–5455]

RIN 2137–AC34

Areas Unusually Sensitive to Environmental Damage

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of initiating pilot testing.

SUMMARY: RSPA is pilot testing a model that identifies areas unusually sensitive to environmental damage from a hazardous liquid pipeline release, commonly referred to as unusually sensitive areas (USAs). The USA model was created through a series of public workshops and the work of the American Petroleum Institute (API). RSPA and API will be working together on this pilot test. Other government agencies, environmental groups, and academia will be evaluating the final results of this pilot test. The pilot test will be conducted in three states: Texas, Louisiana, and California. The purpose of the pilot testing is to determine if the model can be used to identify and locate unusually sensitive drinking water and ecological resources using available data from government agencies and environmental organizations. The pilot test will also help evaluate the USA model, determine if the model identifies the majority of unusually sensitive drinking water and ecological resources, and the appropriateness and accessibility of environmental data to support the model. RSPA will publish for public comment the results of the pilot test, technical analysis, and the proposed USA model once the pilot test and analysis are complete.

ADDRESSES: Persons interested in receiving future information, including copies of the final pilot results, should send their name, affiliation, address, and phone number to Christina Sames, U.S. Department of Transportation, Office of Pipeline Safety, 400 Seventh Street SW, DPS–11, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Christina Sames, (202) 366–4561, or e-mail *christina.sames@rspa.dot.gov,* about this document, or the Dockets Unit, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, (202) 366–5046, for copies of this document or other material in the docket, including material from previous workshops. The public may also review material in the docket by accessing the Docket Management System's home page *at http://dms.dot.gov.* An electronic copy of any document published in the **Federal Register** may be downloaded from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661.

SUPPLEMENTARY INFORMATION:

Legislative History

The pipeline safety statute (49 U.S.C. 60109) requires the Secretary of Transportation to prescribe standards that establish criteria for identifying each hazardous liquid pipeline facility and gathering line, whether or not the pipeline is subject to safety regulation under 49 U.S.C. Chapter 601, located in an area that the Secretary, in consultation with the Environmental Protection Agency (EPA), describes as unusually sensitive to environmental damage in the event of a hazardous liquid pipeline accident. When describing USAs, the Secretary is to

consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage. These areas are to include:

1. Locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

2. Locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.

Public Workshops

RSPA has held five public workshops on USAs. Participants at the workshops have included representatives from the EPA; the hazardous liquid pipeline industry; the Departments of Interior, Agriculture, Transportation, and Commerce; non-government agencies; academia; and the public.

The first workshop was held on June 15 and 16, 1995, and focused on criteria being considered to determine USAs (60 FR 27948, May 26, 1995; Docket PS–140(a)). A second workshop held on October 17, 1995, focused on developing a process that could be used to determine whether an area is a USA (60 FR 44824, August 29, 1995; Docket PS–140(b)). The third workshop on January 18, 1996, focused on guiding principles for determining USAs (61 FR 342, January 4, 1996; Docket PS–140(c)). The fourth workshop held April 10–11, 1996, (61 FR 13144, March 26, 1996; Docket PS–140(d)) focused on criteria, components, and parameters of terms that have been used when describing USAs and the scope and objectives of additional USA workshops.

A fifth workshop was held June 18–19, 1996, (61 FR 27323, May 31, 1996; Docket PS–140(e)) and focused on identifying critical drinking water resources and possible filtering criteria that could be used to identify drinking water resources that are unusually sensitive to a hazardous liquid pipeline release. The critical drinking water resources that were identified in that workshop include public water systems, wellhead protection areas, and sole source aquifers. Filtering criteria include the depth and geology of a drinking water resource and if the public water system has an adequate alternative drinking water supply. Transcripts of and information presented at these public workshops are in the Docket.

API Work

In addition to the five public workshops, the American Petroleum Institute (API) held two meetings with technical experts to discuss unusually sensitive ecological resources. The meetings were held on October 23–24, 1996, and June 25–26, 1997. Representatives of RSPA, EPA, the Departments of Interior, Commerce, and Agriculture, and The Nature Conservancy attended these meetings. Attendees discussed possible ecological USA candidates and filtering criteria that could be used to determine which ecological resources are unusually sensitive to damage from a hazardous liquid pipeline release. The significant ecological resources that were identified during the meetings include threatened and endangered species, critically imperiled and imperiled species, depleted marine mammals, and areas containing a large percent of the world's population of a migratory waterbird species. Filtering criteria focused on the extent to which a species is endangered, areas that are critical to multiple sensitive species, and areas where a large percent of a species population could be impacted. Notes from these technical meetings are in the Docket.

Guiding Principles

Attendees at the third public workshop identified guiding principles to be used in the process of determining USAs. Government agencies, industry, environmental groups and the public created these guiding principles to help us identify which resources we should concentrate on (areas of primary concern), determine which areas of primary concern are the most sensitive to a hazardous liquid release, decide how to collect and process resource data, and determine what happens to USAs after they are identified. The guiding principles created in the workshop discuss resources to be protected and a process for identifying USAs. The following is the list of the guiding principles that pertain to the pilot test:

- Human health and safety and serious threat of contamination are always to be considered.
- A functional definition of significant must be developed to determine USAs.
- Only areas in the trajectory of a potential spill, e.g. down gradient, should be considered.
- It is expected that no pipeline operator will be required to collect natural field resource data to determine USAs.
- USAs should be subject to a systematic review process. USAs may change through time as species migrate, change location or for other reasons. The USA definition should be explicit and practical in application.
- All phases of the USA definition process should be pilot tested for validity, practicality, and workability, to the extent practical.
- The government agencies must describe and identify USAs so that the data will be applied consistently and will not be subject to various interpretations. The standards and criteria for resource sensitivity should be uniform on a national basis such that equivalent resources receive equivalent sensitivity assessments regardless of regionally based response priorities.
- Sources of USA data must be readily available to the public and uniform in criteria and standards. The standards and criteria for resource sensitivity should be uniform on a national basis so that equivalent resources receive equivalent sensitivity assessments regardless of regionally based priorities.

In addition to the guiding principles, workshop attendees discussed the following items, but did not consider them guiding principles:

- Workshops for each phase of developing a USA definition should include technical experts, representatives, and field personnel with appropriate experience from agencies as well as from industry.
- Public workshops should be used to gather information on the criteria that will determine USAs.
- The USA definition should be complete before its use in a rulemaking.
- The implementation of resource assessment and protection under the USA definition could be phased.
- All terms in the USA definition should be defined.
- National consistency in application of the USA definition should be the goal.
- Guidelines for data quality should include consistency, accuracy, and scope.
- Encourage open communication with land or resource managers in USAs.
- The ranking of resources or adding of values of several resources to reach a threshold USA quantity, as proposed in the May 1995 workshop, is not practical for many pipeline operators.

Pilot Test

RSPA and API will be working together on this pilot test. Other Federal and state government agencies, environmental organizations, and academia will be evaluating the final results of this pilot in a technical

review. The purpose of the pilot test is to determine if the model can be used to identify and locate unusually sensitive drinking water and ecological resources using available data from government agencies and environmental organizations.

RSPA and API will conduct the pilot test in the states of Texas, California, and Louisiana. These states were chosen because of the large number of liquid pipelines and drinking water and ecological resources within these states. API will use the results of the pilot test to create a voluntary industry guidance document on USAs. RSPA will use the pilot results to verify that the model identifies the majority of unusually sensitive areas, the accessibility and appropriateness of environmental data to support the model, and to move toward completing a definition of unusually sensitive areas.

The USA pilot test will include the following tasks:

- Identify pertinent drinking water data that have been created and maintained by Federal or state government agencies, environmental groups, or private organizations. This includes data on public drinking water systems, aquifers, sole source aquifers, wellhead protection areas, alternative drinking water resources, and aquifer vulnerabilities.
- Identify pertinent ecological data that have been created and maintained by Federal or state government agencies, environmental groups, or private organizations. This includes data on threatened and endangered species, critically imperilled and imperilled species, depleted marine mammal species, and areas containing a large percentage of the world's population of a migratory waterbird species.
- Identify data on land features, such as the location of wetlands, rivers, transportation networks, and water routes (including flow direction).
- Obtain, where possible, all pertinent drinking water, ecological, and land feature data. Document all problems encountered in gathering the data.
- Determine if the obtained data can be used with the draft USA model to identify and locate USAs. This would include reviewing the data for accuracy, attributes, format, restrictions on use, and determining if the resources and features were mapped with sufficient precision.
- Process the data, using a geographic information system (GIS), according to the draft USA model. Identify all problems encountered in processing the data.
- Compare the USA pilot results to other preservation area identification efforts, where possible, and to all threatened and endangered specie areas.
- Provide the final USA pilot results to other drinking water and ecological resource experts within Federal and state government agencies (e.g., the Departments of Interior, Agriculture, Commerce, Environmental Protection Agency, state drinking water agencies), academia, environmental organizations (e.g., The Nature Conservancy, state heritage programs), and private industry for review of whether the model results identify the majority of ''unusually'' sensitive areas within the three states.
- Modify, if necessary, the USA model based on the pilot test and comments received from drinking water and ecological resource experts.
- Publish the results of the pilot test, the technical review, and the draft USA model for public comment.

Technical Review

Drinking water and ecological resource experts will conduct a technical review of the pilot test to determine whether the model results identify the majority of ''unusually'' sensitive areas within the three states. These experts include the Department of Interior's Office of the Secretary, Fish and Wildlife Service, and National Park Service; the Department of Agriculture's Forest Service; the Department of Commerce's National Marine Fisheries Service; the Environmental Protection Agency's Office of Groundwater and Drinking Water, Office of Solid Waste and Emergency Response, and regional offices; state nature conservancies and heritage programs; state drinking water resource agencies; academia and other environmental experts.

These peer reviewers will help to identify other data sets that might be utilized and other resources that might be considered, and to improve the model's capability to identify the majority of ''unusually'' sensitive areas within the three states. The technical review will include experts that have not been directly involved in drafting the USA model.

RSPA will publish for public comment the final pilot test results and the USA model, including the criteria for defining unusually sensitive drinking water and ecological resources. Persons interested in receiving and reviewing this information should send their name, affiliation, address, and phone number to Christina Sames, U.S. Department of Transportation, Office of Pipeline Safety, 400 Seventh Street SW, DPS–11, Washington, DC 20590–0001. RSPA will also publish the final results of the USA pilot on the Office of Pipeline Safety's Web page: *http://ops.dot.gov*. RSPA will use the final pilot results and comments received to move toward completing a USA model and definition through publication of a NPRM. RSPA intends to publish the NPRM by the end of this year.

RSPA will also present the USA pilot project and its results to the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC). The THLPSSC is responsible for reviewing proposed federal hazardous liquid pipeline safety standards and reporting on their feasibility, reasonableness, and practicability. Representatives on the THLPSSC include the Minerals Management Service, City of Fredericksburg Virginia, U.S. Department of Agriculture, U.S. Department of Commerce, Virginia State Corporation Commission, Environmental Defense Fund, The Nature Conservancy, Kenai Peninsula, Atlantic Consultants, Southwest Research Institute, Buckeye Pipe Line, Lakehead Pipe Line, Kinder Morgan Energy Partners, and Mobil Pipe Line.

Issued in Washington, DC.

Stacey L. Gerard,

Director, Policy, Regulations and Training.

[FR Doc. 99–18024 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 64, No. 135
Thursday, July 15, 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

Forest Service

Southeast Galena Restoration, Malheur National Forest, Grant County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice intent to prepare environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) on a proposal to improve the ecosystem health within a portion of the 127,000 acre Galena Watershed. The proposed restoration activities will be in compliance with the 1990 Malheur National Forest Land and Management Plan (Forest Plan), as amended, which provides overall guidance for management of this area. Proposed restoration activities are located on the Long Creek Ranger District within the Galena Watershed. The watershed is located about 20 air miles northeast of John Day, Oregon. Implementation of proposed restoration activities are scheduled to begin in late fiscal year 2001. The Malheur National Forest invites written comments and suggestions on the scope of the analysis. The agency will give notice of the full environmental analysis and decision making process on the proposal so interested and affected members of the public may participate and contribute in the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by August 16, 1999.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Douglas V. Robin, District Ranger, PO Box 849, John Day, Oregon 97845.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed project and scope of analysis should be directed to: Michael Hutchins, Resource Planner, PO Box 849, John Day, Oregon 97845, phone 541–575–3000.

SUPPLEMENTARY INFORMATION: The purpose and need for activities are, one, improve the health, vigor, and resiliency of forest vegetation to insects, disease, and wildfire. Two, reduce road related impacts, specifically impacts to water quality, fish habitat, and wildlife habitat. Three, improve riparian conditions in reaches of streams that do not presently meet riparian management objectives (RMOs).

The proposed action includes a variety of activities to meet the three purpose and need statements. One, improve stand conditions so they are more resilient to insects, disease, and wildfire. Restoration activities include prescribed fire to reduce excess fuel accumulations and reducing stocking levels through thinning to reduce severity of future wildfires. Another component of improving watershed health is reducing existing noxious weed sites through manual, mechanical, and chemical methods and reducing the potential for additional sites becoming established. Two, reduce road related impacts to water quality, fish habitat, and wildlife habitat. Specific actions include closing or decommissioning roads excess to resource needs, especially existing roads within sensitive areas such as riparian habitat conservation areas (RHCAs). An access and travel management (ATM) plan would be prepared to meet this action. Some roads may only need seasonal closures during wet months if they are needed for resource needs and do not cause adverse impacts to resources when they are open. Three, improve riparian conditions in streams not meeting RMOs by planting riparian vegetation and protecting plantings from browsing; increasing large wood to deficient reaches (possibly with helicopters and other equipment); performing instream activities such as installing baffles, log weirs, culverts capable of passing fish; rehabilitating key channels where flow regime has been modified by past activities; and reintroducing fire to key RHCAs.

The Galena Watershed is comprised of about 127,000 acres, of which about 10,200 acres are privately owned and about 4,000 acres are administered by other Federal agencies. Of the 113,000 acres administered by the Malheur National Forest, about 56,800 acres are proposed to be analyzed for possible restoration activities by this EIS. About 29,475 acres (52%) are in management area 1—general forest, about 10,580 acres (19%) are in management area 4—big game winter range maintenance, about 1,125 acres (2%) are in management area 7—scenic area, about 1,900 acres (3%) are in management area 13—old growth, about 1,730 acres (3%) are in management area 14—visual corridors, about 2,900 acres (5%) are in management area 21—wildlife emphasis with non-scheduled timber harvest, and about 9,090 acres (16%) are within RHCAs. The Southeast Galena Restoration EIS will focus restoration activities within the following subwatersheds: Davis/Placer, Vinegar, Vincent, Little Boulder/Deerhorn, Tincup/Little Butte, Butte, Granite Boulder, Beaver/Ruby (portion unburned by the Reed or Summit Fires), Dry/Sunshine (portion on south side of Middle Fork John Day River), and Coyote/Balance (portion on south side of MFJD River).

Preliminary issues identified will include effects on threatened, endangered, and proposed species; riparian habitat conservation areas (RHCAs); water quality; stand conditions (especially as they relate to increased insect populations and fuel levels); roadless areas; road densities; and forest wood products.

The scoping process will include: (1) Identifying potential issues; (2) identifying issues to be analyzed in depth; (3) eliminating non-significant issues or those which have been covered by a previous environmental analysis; (4) exploring additional alternatives; and (5) identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

A full range of alternatives will be considered, including a no-action alternative. The no-action alternative will serve as a baseline for comparison of alternatives. This alternative will be no change from the current management of the Forest and will be fully analyzed. The proposed action will be considered and additional alternatives developed around the proposed action to address significant issues identified during the scoping and public involvement process. Issues gathered may vary action alternatives in the number, location, and type of project activities.

Comments received in response to this notice, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215 and 217. Additionally, pursuant to 7 CFR 1.27(d); any person may request the agency to withhold a submission from the public record by showing how the freedom of information act (FOIA) permits such confidentiality should be aware that, under FOIA, confidentiality may be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

Public meetings are anticipated to occur following issuance of the draft EIS. Public meetings will be announced in the Malheur National Forest's newspaper of record, the *Blue Mountain Eagle*.

The Forest Service is seeking information and comments from other Federal, State, and Local agencies; Tribes; organizations; and individuals who may be interested in or affected by the proposed action. This input will be used in the preparation of the draft EIS.

Comments will be appreciated throughout the analysis process. The draft EIS will be filed with the Environmental Protection Agency (EPA) and is anticipated to be available for public review by June 2000. The comment period on the draft EIS will be 45 days from the date of EPA's Notice of Availability in the **Federal Register**. It is important that those interested in the management of the Malheur National Forest participate at that time.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage, but that are not raised until completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F. 2d 1016, 1002 (9th Cir, 1986), and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the 45-day comment period so 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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).

After the 45 day comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by March 30, 2001. In the final EIS, the Forest Service is required to respond to substantive comments received during the public comment period. The responsible official, Acting Forest Supervisor, Bonnie Wood, will consider in the comments, responses, environmental consequences discussed in the EIS and applicable laws, regulations, and policies in making a decision regarding this project. The responsible official will document the Galena Watershed EIS decision and rational for the decision in the Record of Decision (ROD). That decision will be subject to review under Forest Service Appeal Regulations 36 CFR part 215.

Dated: July 8, 1999.

Bonnie Wood,

Acting Forest Supervisor.

[FR Doc. 99–18019 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Mann Creek Timber Sale and Other Activities Within the Mann Creek Subwatersheds, Payette National Forest, Washington County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service is proposing the following for the Mann Creek Subwatersheds: harvest and regeneration of timber; road decommissioning or obliteration to protect watershed conditions; and prescribed fire to reduce fuels and enhance plant growth and mountain quail habitat.

The agency gives notice of the environmental analysis and decision-making process so that interested and affected people know how they may participate and contribute to the final decision. The agency invites written comments and suggestions on the scope of the analysis and the issues it should address.

DATES: Comments on the scope of the analysis must be received by August 13, 1999.

ADDRESSES: Send written comments to: David Alexander, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action should be directed to Dautis Pearson, NEPA Coordinator, phone (208) 253–0134; or John Baglien, District Ranger, phone (208) 549–4201.

SUPPLEMENTARY INFORMATION: The USDA Forest Service is proposing projects within the 26,438 acre Mann Creek Subwatersheds. Approximately 6–8 MMBF of timber from about 2,000 acres will be harvested by thinning and regeneration methods, using tractor, skyline, and helicopter logging systems. Approximately 800 acres will be regenerated.

This proposal follows direction in the Payette National Forest Land and Resource Management Plan. About 2–4 miles of road construction or reconstruction are planned. About 10–30 miles of road decommissioning or obliteration are planned.

Prescribed fire activities would occur on a total of about 4,000 acres of open ponderosa pine stands, dry Douglas-fir stands, aspen communities, and grass/shrublands to enhance plant growth and diversity.

Preliminary issues identified are forest health in stringer habitat, and the economic and resource effects of longer return intervals into the subwatershed.

Initial scoping began in June, 1999. Preliminary analysis is currently being conducted. The Forest Service will be seeking additional information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may

be interested or affected by the proposed projects. Additional input will be used to help identify key issues and develop alternatives. This input will be used in preparation of the draft EIS.

The Forest Service expects to file the draft EIS with the Environmental Protection Agency and have it available for public review by August 20, 1999. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewers' positions and contentions. *Vermont Yankee Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, courts may waive or dismiss environmental objections that could be raised at the DEIS stage, but that are not raised until after completion of the final environmental impact statement (FEIS). *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritagees, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 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 FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. 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 Responsible Official is David F. Alexander, Forest Supervisor, Payette National Forest, McCall, ID 83638.

Dated: July 2, 1999.

David F. Alexander,

Forest Supervisor.

[FR Doc. 99–18013 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Otter Lake Timber Sale(s), Tongass National Forest; Hoonah Ranger District, Alaska

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) to disclose the environmental effects of proposed actions within the Otter Lake Project Area. The proposed action provides for: (1) Harvest of seven units covering 588 acres, from a unit pool of 14 units totalling 849 acres and containing 19.4 million board feet, and regeneration of new stands of trees; (2) construction of 3.2 miles of specified road and 0.5 miles of temporary road, as well as reconstruction of 2.5 miles of specified road; and (3) the use of the existing log transfer facility at Eight Fathom Bight (terminus of Forest Development Road 8580). This level of development would result in the harvest of an estimated 12.4 million board feet of sawlog and utility timber volume over a three year period following the approval of this document and award of contract(s). The proposed action is one alternative to achieve the purpose and need for this project. A map of the unit and road pool, and the proposed action, is available from the address provided.

DATES: Comments concerning the scope of the analysis should be received in writing by August 23, 1999.

LEAD AGENCY: USDA Forest Service, Tongass National Forest.

ADDRESSES: Send written comments to Otter Lake Planning Team, USDA Forest Service, 204 Siginaka Way, Sitka, Alaska 99835.

COOPERATING AGENCIES: U.S. Army Corps of Engineers, U.S. Environmental Protection Agency will be invited to participate as Cooperating Agencies.

FOR FURTHER INFORMATION CONTACT: Michael E. Fox, USDA Forest Service, 204 Siginaka Way, Sitka, Alaska 99835, (907) 747–4328, e-mail at mfox/r10__chatham@fs.fed.us or FAX at (907) 747–4281.

SUPPLEMENTARY INFORMATION:

Background

This environmental impact statement (EIS) will tier to the Tongass Land and Resource Management Plan Environmental Impact Statement and Modified 1997 Tongass Land and Resource Management Plan (April 1999 Record of Decision). The Tongass Land and Resource Management Plan (TLRMP) provides the overall guidance (Goals, Objectives, Standards, Guidelines, and Management Area direction) to achieve the desired condition for the area in which the project is proposed.

The EIS will be prepared by a contractor working under the supervision of the Forest Service. Work to be done by the contractor includes the field investigations, development of resource reports, preparation of a draft EIS, and the preparation of the final EIS. The Forest Service will prepare the Record of Decision. The Forest Service will provide oversight and review at all steps of the process.

The Otter Lake Project Area is located about 60 air miles north of Sitka, Alaska and 12 air miles west of Hoonah, Alaska. The project area (7,580 acres) is located on north Chichagof Island, just north of Neka Bay, and north and west of Port Frederick. The project area encompasses part or all of R 59 E, T 43 S, Sec. 31, 32, 33, 34, 35, & 36; R 59 E, T 44 S, Sec. 1 through 18, 20, & 21, and R 60 E, T 45 S, Sec. 6 (Eight Fathom Bight Log Transfer Facility (LTF) site). The LTF is approximately 6.5 road miles south of the project area. The Otter Lake Project Area lies within Value Comparison Unit (VCU) 2010. The project area is administered by the Hoonah Ranger District, Tongass National Forest.

Purpose and Need for the Proposed Action

The purpose and need for the project is to implement the direction, goals, and objectives in the modified 1997 Tongass Land and Resource Management Plan (TLMPR), dated May 23, 1997 and the Record of Decision, dated April 13, 1999. The project is planned to move timber stands to a managed condition resulting in a healthier, faster growing stand, to increase growth and yield from the managed stands, to reduce volume loss associated with disease and decay and to recover timber volume that might otherwise be lost for human use.

The project is planned to contribute an estimated 12 million board feet of sawlog and utility timber in support of the Tongass National Forest timber program, in order to meet the direction, in the Tongass Timber Reform Act, section 101, to ''seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meet market demand from such forest for each planning cycle'' to the extent consistent with multiple use and sustained yield from

all renewable forest resources. This environmental impact statement may result in one or more timber sales under the sale program.

Decisions To Be Made

Fred S. Salinas, Assistant Forest Supervisor, Tongass National Forest, is the Responsible Official and will decide whether or not to authorize timber harvest within the Otter Lake Project Area. He will decide: (1) If the design of the timber sale offerings are consistent with meeting resource protection standards and guidelines in the Modified 1997 Tongass Land and Resource Management Plan; (2) how much timber volume to make available and what the logical sale offerings are; (3) the location and design of the arterial and collector road system needed to develop the project area, and the post-sale transportation options; (4) the location and design of timber harvest units (including silvicultural prescriptions and logging systems), and log transfer and camp facilities; (5) mitigation and monitoring measures for sound resource management; and (6) subsistence determinations required by Secton 810 of the Alaska National Interest Lands Conservation Act (ANILCA).

Management Objectives

The project area is in Value Comparison Unit (VCU) 2010, and is located totally within the Timber Production Land Use Designation (LUD). An Old-growth Habitat Reserve is located immedately adjacent to the south and east of the project boundary. The existing Eight Fathom Bight Log Transfer Facility (LTF), located approximately five air miles to the south, lies within a Scenic Viewshed LUD.

Management direction that the proposed action is designed to address include: Desired Condition—Suitable timber lands are managed for the production of sawtimber and other products on an even-flow, long-term sustained yield basis. A road system provides access for timber management activities, recreation, hunting and fishing, and other administration uses; some roads may be closed seasonally or permanently to address resource concerns. Management activities will generally dominate the landscape. Tree stands are healthy and in a balanced mix of age classes from young stands to trees of harvestable age, often in 40- to 100-acres stands. Recreation opportunities associated with roaded settings are available. A variety of wildlife habitats, predominately in the early to middle successional stages, are present.

Goals—Manage the timber resource for production of saw timber and other wood products from suitable timber lands made available for timber harvest, on an even-flow, long-term sustained yield basis, and in an economically efficient manner. Provide a diversity of opportunities for resource uses that contribute to the local and regional economies of Southeast Alaska.

Objectives—Seek to provide a timber supply sufficient to meet the annual market demand for Tongass National Forest timber, and the market demand for the planning cycle. Support a wide range of natural resource employment opportunities within Southeast Alaska's communities.

Tentative Issues

Scoping has not yet been done for this project; however, issues identified for the Supplement to the Environmental Impact Statement, 1981–86 & 1986–90 Operating Periods (SEIS) and the Eight Fathom Timber Sale(s) Project for the same general area are considered to still be applicable. The issues as expressed below have been modified to reflect the reduced project area.

Issue 1—Project Effects on Recreation and Tourism: This issue focuses on how timber harvest and road building would affect recreational opportunities and the visual character of the landscape. This includes potential disruptions to fish and wildlife resources that drive recreation/tourism businesses, extent of additional access for recreational users via logging roads, and if there would be impacts on areas of concern such as Neka Bay.

Issue 2—Subsistence Impacts: This issue focuses on whether or not proposed activities will significantly restrict subsistence use through effects on wildlife, fish, and plant resources for customary and traditional uses. Concerns include whether harvest activities would displace subsistence users, whether additional use from logging personnel, increased traffic from logging, and increased future recreation use on new logging roads would displace or reduce abundance of subsistence resources, including deer.

Issue 3—Potential Economic Impacts: The issue focuses on the capability of the project area to provide a long-term sustained yield of timber and other resources, and whether this associated level of outputs is sufficient to meet the needs of dependent local communities. These concerns include whether timber production and productivity can be maximized to achieve positive economic return, whether the short-term timber obligations will be balanced with long-term maintenance of other natural resources, whether the economic analysis would consider the economics of resources other than timber, and whether the road system for the project would remain in place to facilitate future harvest and minerals activities.

Issue 4—Protection of Fish and Wildlife Resources: This issue focuses on the effects of timber harvest and associated road construction on water quality, fish, and wildlife, including protection of fish and wildlife habitat during harvest activities, whether biodiversity and population viability will be affected, whether sediments from roads and logging will affect salmon production downstream, and extent of effects on deer, marten, and bear habitats.

Issue 5—Cultural and Historical Resource Protection: This issue focuses on the protection of heritage resources, and concerns a project design to avoid damage to cultural or historical resources, and coordination with the State's Scenic Byway Program to address proposed projects within areas designated for corridors of scenic, historic, cultural, recreational, or archaeological significance.

Issue 6—Protection of Caves and Karst Features: This issue focuses on the potential presence of karst features in the project locale.

Issue 7—Alternatives to Clearcutting: The issue is focused on public concerns that silvicultural systems other than even-aged management be considered in the alternatives, and implementation of a reforestation program to speed recovery after harvest and to reduce the duration of scenic effects, and the presence of clearcuts in high public use, highly visible areas.

Proposed Action

The proposed action is the harvesting of seven units of a 14-unit pool totalling 849 acres with 19.4 million board feet. The total area harvested, including road right-of-way, is 595 acres yielding an estimated 12.4 million board feet. Logging systems include three helicopter units totalling 240 acres for 5.6 million board feet, as well as four units with a ground-based logging system (skyline or shovel) with 326 acres yielding 6.2 million board feet. All units are planned as clearcuts. The proposed road system consists of 3.2 miles of new specified road construction, 0.5 miles of temporary road construction, and 2.5 miles of reconstruction of existing specified road. Road construction right-of-way area is 22 acres, yielding 0.6 million board feet. Nineteen percent of the 3,170

acres of timber suitable and available for harvest would be harvested under this scenario. All units and roads will conform to the standards and guidelines in the TLMPR, including stream buffers, retention of green trees within units, marten habitat requirements, and the avoidance of extreme hazard soils and over-steepened slopes.

Permits

To proceed with the timber harvest as proposed, various permits must be obtained from other agencies. Federal agencies and their responsibilities are as follows: U.S. Army Corps of Engineers has the responsibility for approval of discharge of dredged or fill material into the waters of the United States (section 404 of the Clean Water Act), and approval of construction of structures or work in navigable waters of the United States (section of the Rivers and Harbors Act of 1899); the Environmental Protection Agency has responsibility for the National Pollution Discharge System review (section 402 of the Clean Water Act); the U.S. Coast Guard has responsibility for Coast Guard Bridge Permits (General Bridge Act of 1946) required for all structures constructed within the tidal influence zone. Other agencies which will participate are as follows: State of Alaska, Department of Natural Resources has responsibility for authorization for occupancy and use of tidelands and submerged lands; State of Alaska, Department of Environmental Conservation has responsibility for the Solid Waste Disposal Permit (section 402 of the Clean Water Act, 18 AAC 60.230) and the Certificate of Reasonable Assurance (section 401 of the Clean Water Act). Both the Environmental Protection Agency and the U.S. Army Corps of Engineers will be invited to participate as cooperating agencies in the preparation of the environmental impact statement.

Process Steps

Preparation of the environmental impact statement will include the following steps: (1) Public notification and scoping (comments due in approximately 45 days, beginning with the publication of this Notice in the **Federal Register**; (2) identification of significant issues related to the proposed action to be analyzed in depth; (3) development of a reasonable range of alternatives to the proposed action which meet the stated purpose and need for the proposed action and address significant issues; and (4) identification of the potential environmental effects of the alternatives.

Scoping announcements will be published during the week of July 12, 1999 in the *Juneau Empire* and *Daily Sitka Sentinel*, and copies of the announcement will be mailed to interested persons. This announcement will describe the timing and location of public involvement meetings. Scoping meetings will be held in Hoonah in August 1999. Comments received from public scoping will be analyzed to determine significant issues within the scope of this project. Alternatives to the proposed action will be developed to address significant issues. One of these will be the ''No Action'' alternative in which there will be no project-related activities such as timber harvest or road construction. Other alternatives may consider various levels and locations of activities in response to issues and other resource objectives. The direct and indirect effects of each alternative will be analyzed and documented. Mitigating measures will be identified and their effectiveness evaluated.

Public Participation Encouraged

In addition to commenting on the proposed action and the Draft Environmental Impact Statement when it is released, agencies and other interested persons or groups are invited to contact Forest Service Officials at any time during the planning process.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) in September 2000. The comment period for the Draft Environmental Impact Statement will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the Draft Environmental Impact Statement stage but that are not raised until after completion of the Final Environmental Statement may be waived or dismissed by the courts; *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334 (E.D. Wis 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made to the Forest Service at a time when it can meaningfully consider and respond to them in the Final Environmental Impact Statement.

To assist the Forest Service 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 Environmental Statement. Comments may also address the adequacy of the Draft Environmental Statement or the merits of the alternatives formulated and discussed in the document. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3, in addressing these points.

The Final Environmental Impact Statement and Record of Decision is expected to be released in June 2001. The Assistant Forest Supervisor, Sitka Assistant Forest Supervisor's Office, Tongass National Forest, will, as the responsible official for the environmental impact statement, make a decision regarding this proposal considering the comments, responses, environmental consequences disclosed in the final environmental impact statement, and applicable laws, regulations, and policies. The decision and supporting reasons will be documented in the record of decision.

Fred S. Salinas,

Assistant Forest Supervisor.

[FR Doc. 99–18068 Filed 7–14–99; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Iowa Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa Advisory Committee to the Commission will convene at 6 p.m. and adjourn at 8 p.m. on August 2, 1999, at the Marriott Hotel, 700 Grand Avenue, Des Moines, Iowa 50309. The purpose of the meeting is to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign

language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 7, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–18070 Filed 7–14–99; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12:30 p.m. on August 12, 1999, at the Days Inn, 2309 Iowa, Lawrence, Kansas. The purpose of the meeting is to plan future activities and conduct new member orientation.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 7, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–18069 Filed 7–14–99; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12 p.m. on August 24, 1999, at the Crowne Plaza Hotel, 4445 Main, Kansas City, Missouri. The purpose of the meeting is to plan future activities and projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 7, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 99–18071 Filed 7–14–99; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 of the Department of Commerce (the Department) Regulations (19 CFR 351.213 (1997)), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review

Not later than the last day of July 1999, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in July for the following periods:

	Period
Antidumping Duty Proceedings	
Armenia: Solid Urea, A–831–801	7/1/98—6/30/99
Azerbaijan: Solid Urea, A–832–801	7/1/98—6/30/99
Belarus: Solid Urea, A–822–801	7/1/98—6/30/99
Brazil:	
Industrial Nitrocellulose, A–351–804	7/1/98—6/30/99
Silicon Metal, A–351–806	7/1/98—6/30/99
Chile: Fresh Atlantic Salmon, A–337–803	7/1/98—6/30/99
Estonia: Solid Urea, A–447–801	7/1/98—6/30/99
Georgia: Solid Urea, A–833–801	7/1/98—6/30/99
Germany: Industrial Nitrocellulose, A–428–803	7/1/98—6/30/99
Iran: In-Shell Pistachio Nuts, A–507–502	7/1/98—6/30/99
Italy: Pasta, A–475–818	7/1/98—6/30/99
Japan:	
Cast Iron Pipe Fittings, A–588–605	7/1/98—6/30/99
Clad Steel Plate, A–588–838	7/1/98—6/30/99
Electric Cutting Tools, A–588–823	7/1/98—6/30/99
E L Flat Panel Displays	7/1/98—6/30/99
High Power Microwave Amplifers	7/1/98—6/30/99
Industrial Nitrocellulose, A–588–812	7/1/98—6/30/99
Synthetic Methionine, A–588–041	7/1/98—6/30/99
Kazakhstan:	
Solid Urea, A–834–801	7/1/98—6/30/99

	Period
Solid Urea, A–835–801	7/1/98—6/30/99
Latvia: Solid Urea, A–449–801	7/1/98—6/30/99
Lithuania: Solid Urea, A–451–801	7/1/98—6/30/99
Moldova: Solid Urea, A–841–801	7/1/98—6/30/99
Republic of Korea: Industrial Nitrocellulose, A–580–805	7/1/98—6/30/99
Romania: Solid Urea, A–485–601	7/1/98—6/30/99
Russia: Ferrovanadium, A–821–807	7/1/98—6/30/99
Russia: Solid Urea, A–821–801	7/1/98—6/30/99
Tajikistan: Solid Urea, A–842–801	7/1/98—6/30/99

	Period
Thailand:	
Butt-Weld Pipe Fittings, A–549–807	7/1/98–6/30/99
Canned Pineapple, A–549–813	7/1/98–6/30/99
Furfuryl Alcohol, A–549–812	7/1/98–6/30/99
The People's Republic of China:	
Butt-Weld Pipe Fittings, A–570–814	7/1/98–6/30/99
Industrial Nitrocellulose, A–570–802	7/1/98–6/30/99
Persulfates, A–570–847	7/1/98–6/30/99
Sebacic Acid, A–570–825	7/1/98–6/30/99
The Ukraine: Solid Urea, A–823–801	7/1/98–6/30/99
The United Kingdom: Industrial Nitrocellulose, A–412–803	7/1/98–6/30/99
Turkmenistan: Solid Urea, A–843–801	7/1/98–6/30/99
Turkey: Pasta, A–489–805	7/1/98–6/30/99
Uzbekistan: Solid Urea, A–844–801	7/1/98–6/30/99
Countervailing Duty Proceedings	
European Economic Community: Sugar, C–408–046	1/1/98–12/31/98
Italy: Pasta, C–475–819	1/1/98–12/31/98
Turkey: Pasta, C–489–806	1/1/98–12/31/98
Suspension Agreements	
None.	

In accordance with section 351.213 of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. In recent revisions to its regulations, the Department has changed its requirements for requesting reviews for countervailing duty orders. Pursuant to section 771(9) of the Act, an interested party must specify the individual producers or exporters covered by the order or suspension agreement for which they are requesting a review (Department of Commerce Regulations, 62 FR 27295, 27424 (May 19, 1997)). Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of July 1999. If the Department does not receive, by the last day of July 1999, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: July 9, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary for Group II, AD/CVD Enforcement.

[FR Doc. 99–18110 Filed 7–14–99; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

May 1997 Lake Barre, Louisiana Oil Spill; Notice of Availability and Request for Comments on a Draft Damage Assessment and Restoration Plan/Environmental Assessment

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Commerce; United States Department of

the Interior (DOI); Louisiana Oil Spill Coordinators Office (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF).

ACTION: Notice of availability of a draft Damage Assessment and Restoration Plan and Environmental Assessment, and 30-day period for public comment on the plan.

SUMMARY: Pursuant to 15 CFR 990.23 and 15 CFR 990.55(c), notice is hereby given that a document entitled, ''Draft Damage Assessment and Restoration Plan and Environmental Assessment for the May 16, 1997 Texaco Pipeline Company Lake Barre Oil Spill'' (Draft DARP/EA) is available for public review and comment. This document was prepared by the agencies listed above (the Trustees) to address natural resource injuries and losses of service following the May 1997 pipeline rupture and subsequent discharge of crude oil into Lake Barre, Louisiana (the Incident). This document presents the Trustees' assessment of the natural resource injuries and losses of service attributable to this Incident, and their proposed plan to restore, replace or acquire resources or services equivalent to those lost as a basis for compensating for the natural resource injuries and losses of service that occurred. The Trustees will consider comments received during the public comment period before finalizing the document. Public review of the Draft DARP/EA is consistent with all state and federal laws and regulations that apply to the natural resource damage assessment process, including section 1006 of OPA, the regulations for Natural Resource Damage Assessment under the Oil Pollution Act of 1990 (OPA) (15 CFR part 990), National Environmental Policy Act (NEPA) (42 U.S.C. 4371, *et seq.*), and implementing regulations (40 CFR part 1500, *et seq.*).

DATES: Comments must be submitted in writing on or before August 16, 1999.

ADDRESSES: Requests for copies of the draft DARP/EA should be sent to John Kern of NOAA, 9721 Executive Center Drive, N., Suite 114, St. Petersburg, FL 33702 or Warren Lorentz, LOSCO, 625 N. Fourth Street, Suite 800, Baton Rouge, LA 70802. Written comments on the plan should be sent to either John Kern of NOAA or to Warren Lorentz of LOSCO at the same addresses as listed above.

FOR FURTHER INFORMATION CONTACT: John Kern, at (727) 570–5391, email: *john.kern@noaa.gov,* or Warren Lorentz, at (225) 219–5800, email: loscolorentz@linknet.net.

SUPPLEMENTARY INFORMATION: At around 1600 hours Central Daylight Savings time on May 16, 1997, a discharge from a 16-inch crude oil transmission pipeline was discovered by Texaco Pipeline Inc. (hereafter ''Texaco'') in Lake Barre, Louisiana. The discharge was caused by a 34-inch long gash in the pipeline, which had been buried five or more feet below the sediment surface. The site of the pipeline rupture was at 29° 14.8′ N latitude, 90° 29.3′ W longitude, which is approximately 27 miles southeast of Houma, in Terrebonne Parish. Texaco estimated that approximately 6,561 barrels (275,562 gallons) of crude oil were discharged as a result of the pipeline rupture into Lake Barre. Although Texaco undertook response actions, these actions did not prevent exposure of natural resources including marsh, shorelines, birds, and estuarine water column organisms to the oil. A variety of injuries and lost uses of natural resources were documented as a result of that exposure.

The incident is subject to the authority of OPA, 33 U.S.C. 2701–2761 (OPA), the Federal Water Pollution Control Act, 33 U.S.C. 1321 *et seq.* (FWPCA) and the Louisiana Oil Spill Prevention and Response Act, LSA L.S.R. 30:2451 *et seq.* (OSPRA). NOAA, DOI, LOSCO, LDEQ, LDNR, and LDWF are Trustees for natural resources pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*) OPA, the FWPCA, subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300.600–300.615, and, in the case of the Louisiana Trustees, OSPRA LSA L.S.R. 30:2451, and in the case of the Federal Trustees, Executive Order 12777. As a designated Trustee, each agency is authorized to act on behalf of the public under state and/or federal law to assess and recover natural resource damages, and to plan and implement actions to restore natural resources and resource services injured or lost as the result of an incident.

Pursuant to section 1006 of the Oil Pollution Act of 1990 (OPA), designated natural resource Trustees have conducted a damage assessment for this Incident to evaluate potential injuries to natural resources and services, and to determine the need for and scale of restoration actions required. The draft DARP/EA discusses the natural resources and services believed to be affected by the Incident, details the assessment procedures used, outlines the restoration alternative selection and scaling process, and identifies the preferred restoration alternative to address natural resource injuries and losses of service. The Trustees determined that injured natural resources have largely returned to baseline conditions, and are expected to fully return to baseline without requiring any further actions. However, the Trustees have determined that there have been interim losses to marsh habitat services, birds, and aquatic fauna that require compensatory restoration to make the environment and the public whole for these losses. Under the preferred restoration alternative, 18.6 acres on East Timbalier Island will be planted with marsh vegetation, and, due to the planting design, another 39.4 acres is expected to be gained from natural spreading from the planted area over the anticipated lifetime of the project. The 58 total acres of marsh expected to result from implementation of the preferred restoration alternative will be sufficient to satisfy compensatory restoration requirements.

Interested members of the public are invited to request a copy of the Draft DARP/EA form and to submit written comments to either John Kern or Warren Lorentz at the addresses given above. All written comments will be considered by NOAA, DOI, LOSCO, LDEQ, LDNR, and LDWF in finalizing the DARP/EA.

Dated: July 6, 1999.

Captain Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 99–17783 Filed 7–14–99; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Applications Concerning Dengue Vaccines

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, and 404.7, announcement is made of the availability for licensing of Provisional U.S. Patent Applications, Serial Numbers 60/126,311 (filed March 26, 1999) and entitled ''Live Attenuated Dengue–3 Vaccine''), 60/126,313 (filed March 26, 1999 and entitled ''Live Attenuated Multivalent Dengue

Vaccine''), 60/126,316 (filed March 26, 1999 and entitled ''Adaptation of Virus to Vero and Other Vertebrate Cells''), 60/126,317 (filed March 26, 1999 and entitled ''Dengue–1 Virus Vaccine''), 60/126,318 (filed March 26, 1999 and entitled ''Live Attenuated Dengue–4 Vaccine''), and 60/126,319 (filed March 26, 1999 and entitled ''Live Attenuated Dengue–2 Vaccine''). These inventions have been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commanding General, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Harris, Patent Attorney, 301–619–2065, or FAX 301–619–5034.

SUPPLEMENTARY INFORMATION: The inventions describe a novel strain of dengue virus derived by empirical passage of the virus in primary dog kidney cell cultures. Passage of these cells selected for modified strains of dengue virus that are attenuated in humans. Human inoculation has demonstrated that the strains are safe, cause minimal side reactions, but result in infections that stimulate immune responses to the virus. It is thought that this immunity will protect the recipients from natural infection and diseases caused by the virus strains. The invention of Provisional Application SN 60/126,316 relates to the description of the use of Vero and other cell lines for the production and manufacture of dengue vaccines.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–18012 Filed 7–14–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure; Naval Air Station, Agana, Guam

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: This Notice provides information regarding the redevelopment authority that has been established to plan the reuse of the Naval Air Station, Agana, Guam, the surplus property that is located at that base closure site, and the timely election by the redevelopment authority to proceed under new procedures set forth in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

ADDRESSES: For information regarding particular properties identified in this Notice (i.e. acreage, floor plan, sanitary facilities, exact street address, etc.), contact: Ken Alexanderson, Realty Specialist, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, HI 96860–7300, telephone (808) 474–5926.

Submit Expressions of Interest to: Guam Economic Development Authority: BRAC GOVGUAM, Steering Committee, Office of the Governor, PO Box 2950, Agana, Guam 96932.

FOR FURTHER INFORMATION CONTACT: Rich A. Engel, Director, Department of the Navy, Real Estate Operations, Naval Facilities Engineering Command, 1322 Patterson Avenue, SE, Suite 1000, Washington, DC 20374–5065, telephone (202) 685–9203; or J. M. Kilian, Director, Real Estate Division, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, HI 96860–7300, telephone (808) 471–3217.

SUPPLEMENTARY INFORMATION: In 1991, the Naval Air Station, Agana, Guam, was designated for realignment pursuant to the Defense Base Closure and Realignment Act of 1990, Pub. L. 101–510, as amended. Further, in 1995, this designation was revised to reflect complete closure. Pursuant to this revised designation, the remaining land and facilities at these installations were on October 5, 1995, declared surplus to the Federal Government and available for use by (a) non-federal public agencies pursuant to various statutes which authorize conveyance of property for public projects, and (b) homeless provider groups pursuant to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended.

Election To Proceed Under New Statutory Procedures

Subsequently, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103–421) was signed into law. Section 2 of this statute gives the redevelopment authority at base closure sites the option of proceeding under new procedures with regard to the manner in which the redevelopment plan for the base is formulated and how requests are made for future use of the property by homeless assistance providers and non-federal public agencies.

Also, pursuant to paragraph (7)(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the redevelopment authority for and surplus property at the Naval Air Station, Agana, Guam is published in the **Federal Register**.

Redevelopment Authority

The local redevelopment authority for the Naval Air Station, Agana, Guam for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the Government of Guam, represented by the Guam Economic Development Authority: BRAC GOVGUAM Steering Committee, Office of the Governor, PO Box 2950, Agana, Guam 96932. The point of contact is Mr. Joe T. San Agustin, Administrator, BRAC GOVGUAM Steering Committee, telephone (671) 475–1080.

Surplus Property Description

The following is a listing of the remaining land and facilities at Naval Air Station, Agana, Guam which includes SRF Guam, NAS Agana Officer Housing Area and the appropriate Guam Land Use Plan (GLUP) 94 parcels that were declared surplus to the Federal Government on March 18, 1999.

Land

Approximately 2,903 acres of improved and unimproved fee simple land designated at the following locations: SRF GUAM 100 acres; COMNAVMARIANAS 1,853 acres; PWC Guam 858 acres and NAS Agana 92 acres. In general, all areas will be available upon the closure of the Naval Air Station, Agana anticipated for July 1999.

Buildings

The following is a summary of the buildings and improvements located at the following locations:

SRF GUAM—71 structures/improvements consisting of 496,192 total square feet;
COMNAVMARIANAS—12 structures/improvements consisting of 35,798 square feet;
PWC—43 structures/improvements consisting of 105,539 square feet, and;
NAS Agana—74 structures/improvements consisting of 245,600 square feet.

Property numbers are available on request.

SRF Guam Ship Repair Facility, Facility R96, Berth/Pier, no area available, Berths L1,L2, M, N, O, P, Q, approximately 3,450 lineal feet

Miscellaneous cranes and shipyard related equipment as determined excess by Navy.

Bldg. 20, Administrative Office/Various Shops, 138,734 SF Various Trade Shops, 72,750 SF
Bldg. 22, Paint and Blasting Building, 26,400 SF
Bldg. 23, Ready Storage, 1,920 SF
Bldg. 24, Public Toilet, 738 SF
Bldg. 25, Installation Restaurant, 3,840 SF
Bldg. 26, Sound Survey Facility, no area specified
Bldg. 28, Quebec Compressed Air Plant, 1,824 SF
Bldg. 29, Electrical Shop, 144 SF
Bldg. 30, Foundry, 11,880 SF
Bldg. 31, Utility System Storage, 488 SF
Bldg. 33, Utility System Storage, 440 SF
Bldg. 36, Ready Storage, 1,350 SF
Bldg. 38, Utility System Storage, 600 SF
Bldg. 39, Ready Storage, 1,350 SF
Bldg. 40, Operational Storage, 742 SF
Bldg. 41, Paint and Blasting Building, 900 SF
Bldg. 42, Operational Storage, 2,000 SF
Bldg. 43, Ready Storage, 9,000 SF
Bldg. 93–1, Instructional Building/Shop, 4,138 SF
Bldg. 94, Driver Change House, 120 SF
Facility 95, Playing Field, no area available
Bldg. 102, Electronics Shop, 2,560 SF
Facility 107, Flagpole, no area available
Bldg. 2001A, Temporary Service Shop, 5,640 SF
Bldg. 2002, Storage, 6,000 SF
Bldg. 2003, Fire Protection Building, 315 SF
Bldg. 2004, Maintenance Storage Building, 4,336 SF
Bldg. 2006, Administrative Office, 4,000 SF
Bldg. 2008, Administrative Office, Gymnasium, 9,556 SF
Bldg. 2009, Operational Storage, 4,500 SF
Bldg. 2010, Operational Storage, 4,500 SF
Bldg. 2013, Boilermaking Shop, 1,760 SF
Bldg. 2014, Hazardous Waste Storage, 1,600 SF
Facility 2015, Paved Areas, 3,996 SF
Bldg. 2015, Paved Areas, 3,996 SF
Bldg. 2016, Service Shop, 4,150 SF
Bldg. 2028, Operational Storage, 6,150 SF
Bldg. 2030, Sentry House, 72 SF
Bldg. 2031, Tool Shop, 2,400 SF
Bldg. 2032, Loading Ramp, 1,800 SF
Bldg. 2039, Service Shop, 5,200 SF
Bldg. 2040, Temporary Service Shop, 1,200 SF
Bldg. 2041, Wood Working Shop, 1,200 SF
Bldg. 2042, Operational Storage, 4,500 SF
Bldg. 2043, Operational Storage, 4,500 SF
Bldg. 2044, Operational Storage, 4,500 SF
Bldg. 2049, Ready Storage, 6,800 SF
Bldg. 2053, Ready Storage, 4,000 SF
Bldg. 2054, Ready Storage, 4,000 SF
Bldg. 2055, Ready Storage, 9,400 SF
Bldg. 2056A, Operational Storage, 4,600 SF
Bldg. 2057, Boilermaker Shop, 2,500 SF
Bldg. 2060, Administrative Office, 39,125 SF
Bldg. 2061, Electric Shop, 1,200 SF
Bldg. 2062, Gymnasium, 1,200 SF
Bldg. 2063, Boilermaker/Boat Shop, 6,600 SF
Bldg. 2064, Ready Storage, 2,064 SF
Bldg. 2068, Temporary Service Shop, 5,814 SF
Bldg. 2069, Temporary Service Shop, 1,232 SF
Bldg. 2070, Service Shop, 4,265 SF
Bldg. 2071, Public Toilet, 27 SF SF
Bldg. 2072, Filling Station, no area available
Bldg. 2073, Hazardous Storage Building, 999 SF
Bldg. 2074, Electrical Shop, 4,200 SF
Bldg. 2075, Weather Shelter, 72 SF
Bldg. 2076, Sentry House, 72 SF
Bldg. 2077, Sentry House 294 SF
Bldg. 2078, L.P. Air Compressor Bldg., 2,400 SF
Bldg. 2081, Temporary Service Shop, 300 SF
Bldg. 2100, Paint and Blasting Shelter, 2,400 SF
Bldg. 2102, Public Toilet, 192 SF
Bldg. 2108, Quality Assurance Office, 8,330 SF
Bldg. 2109, Ship/Spare Storage Facility, 29,544 SF

Commander, U.S. Forces Marianas Parcels (GLUP 94 Parcels)

GLUP 1994 Parcel N3, Harmon Annes (Former Naval Printing Facility) (Map 2) Area: 7 acres, Improvements: Bldg. 50, Former Printing Plant, 13, 428 SF
GLUP 1994 Parcel N5, NCTAMS Barrigada (Map 3) Area: 773 acres, Improvements: Bldg. 31, Helix House, 594 SF; Bldg. 31A, Loran Building, 3,960 SF
GLUP 1994 Parcel N10B, NIMITZ Hill vacant lands (Map 4), Area: 183 acres, Improvements: none
GLUP 1994 Parcel N12, SASA Valley/Tenjo Vista fuel Farm area (Map 5) Area: 573 acres, Improvements: none
GLUP 1994 Parcel N14, Polaris Point (Map 6) Area: 82 acres, Improvements: none
GLUP 1994 Parcel N15, New APRA Heights (Map 7) Area: 102 acres, Improvements: none
GLUP 1994 Parcel N16, Route 2a (Map 8) Area: 15 acres, Improvements: none
GLUP 1994 Parcel N17, Rizal Beach (Map 9) Area: 16 acres, Improvements: none
GLUP 1991 Parcel N19, NAVACTS Ordnance Annex North Parcels (Map 10), Area: 102 acres, Improvements: 17 housing units in 9 buildings and related structures, 17,816 SF

Navy Public Works Center Parcels (GLUP 94 Parcels)

GLUP 94 Parcel N2, former FAA Parcel (Map 11), Area: 698 acres, Improvements: none
GLUP 94 Parcel N4B, Marine Drive Utility Parcel (Map 12), Area: 25 acres Note: Harmon electric substation is not included in this notice of availability and will be conveyed pursuant to terms of enabling legislation covering Navy electric utility facilities on Guam. Improvements: Bldg. 691, Cable House, 2,250 SF
GLUP 94 Parcel N4C, Tamuning Telephone Exchange (Map 13) Area: 2 acres, Improvements: Bldg. 405, Telephone Exchange Building 4,867SF
GLUP 94 Parcel N4D, Agana Power Plant (Map 13) Area: 6 acres, Improvements: Power Plant building totaling 16,902SF Conditions for release under BRAC program: determination that property cannot be processed for disposal in accordance with the Customer Service Agreement.
GLUP 94 Parcel N10A, MIMITZ Hill enlisted housing (Map 14) Area: 120 acres, Improvement: 80 housing units in 40 buildings and related structures, 81,520 SF
GLUP 94 Parcel N18, Old APEA Heights (Map 15) Area: 13 acres, Improvements: none
Former Naval Air Station, Agana(Tiyan) Officer Housing Area Parcel (Map 16) Area: 92 acres, Improvement: 136 housing units in 73 buildings and related structures, 233,600 SF
Bldg. 1307, Minimart facility, 12,000 SF

Expressions of Interest

Pursuant to paragraph 7(C) of section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance act of 1994, State and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Air Station, Agana, Guam, shall submit to the redevelopment authority a notice of interest, of such governments, representatives and parties in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant paragraphs 7(C) and (D) of said section 2905(b), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in Guam the date by which expressions of interest must be submitted.

Dated: July 7, 1999.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 99–18074 Filed 7–14–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing for and Availability of the Draft Environmental Impact Statement for Disposal and Reuse of Naval Air Station (NAS) South Weymouth, MA

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency (EPA) the Draft Environmental Impact Statement (DEIS) for Disposal and Reuse of NAS South Weymouth, MA. A public hearing will be held to receive oral and written comments on the DEIS. Federal, state, and local agencies and interested parties are invited to be present at the hearing.

DATES: The meeting will be held on Wednesday, August 4, 1999 at 7 p.m.

ADDRESSES: Abigail Adams Intermediate School, 89 Middle Street, Weymouth, MA 02189.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ostermueller, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, MSC 82, Lester, PA 19113, telephone (610) 595–0759.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), Navy has prepared and filed with the U.S. EPA the DEIS for the Disposal and Reuse of NAS South Weymouth, MA.

In response to the recommendations of the 1995 Base Closure and Realignment Commission and to the legislative requirements of the 1990 Base Realignment and Closure Act, NAS South Weymouth was officially closed in September 1997.

Navy has prepared a DEIS which addresses the environmental impacts of disposing of NAS South Weymouth and of its potential reuse. It is Navy's policy to adopt the local community's reuse plan as its preferred alternative. The preferred alternative presented in the DEIS is the Final Reuse Plan developed and approved by the South Shore Tri-Town Development Corporation.

The Final Reuse Plan alternative is a combination of land uses to include: Business/research and development (regional headquarters, small businesses, high-technology, etc.), retail (super-regional retail entertainment center/retail along Route 18), residential (new senior housing), institutional (homeless services), recreation (public golf course), open space (wetlands and parks), and infrastructure (roads). The preferred alternative would generate over 9,540 jobs at full 20-year buildout, and would increase traffic and demand on utility systems in the area substantially.

A Notice of Availability for the DEIS was published in the **Federal Register** on July 2, 1999 and the DEIS has been distributed to various federal, state, and local agencies, elected officials, special interest groups, the public, and the media. In addition, copies are available for review at three repositories around NAS South Weymouth: Burton L. Wales Library, Abington MA; Rockland Memorial Library, Rockland, MA; Hingham Town Library, Hingham, MA; and Weymouth Tufts Library, Weymouth, MA. Single copy requests for the DEIS may be directed to the point of contact listed previously.

One public hearing will be held to inform the public of the DEIS findings and to solicit and receive oral and written comments. The hearing will be held on Wednesday, August 4, 1999 at the Abigail Adams Intermediate School, 89 Middle Street, Weymouth, MA 02189. The hearing will begin at 7 p.m.

Federal, state, and local agencies and interested parties are encouraged to attend or be represented at the meeting. Oral statements will be heard and transcribed by a stenographer; however, to assure the accuracy of the record, statements should be submitted in writing. All statements, both oral and written, will become part of the public record for this study and will be responded to in the Final Environmental Impact Statement. Equal weight will be given to oral and written statements.

In the interest of available time, each speaker will be asked to limit his/her oral comments to five minutes. If longer statements are to be presented, they should be summarized for the public hearing and submitted in written long-form at the hearing or mailed to the point of contact address listed above. All written comments must be postmarked by August 16, 1999 to become part of the official record.

Dated: July 12, 1999.

Ralph W. Corey,

CDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 99–18075 Filed 7–14–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy:

Sensate Liner for Determining Hole Size and Location

ADDRESS: Requests for copies of the patent application cited should be directed to the Patent Counsel, Space and Naval Warfare Systems Center, Code D0012, 53510 Silvergate Ave., Rm 103, San Diego, CA 92152–5765. Kindly refer to N.C. 77311 when inquiring about this application.

FOR FURTHER INFORMATION CONTACT: Harvey Fendelman, Patent Counsel, Space and Naval Warfare Systems Center, Code D0012, 53510 Silvergate Ave., Rm 103, San Diego, CA 92152–5765, telephone (619) 553–3001.

(Authority: 35 U.S.C. 207, 37 CFR part 404)

Dated: July 17, 1999.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 99–18076 Filed 7–14–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Athena Ventures

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of a prospective license to Athena Ventures to the Government-owned invention described as ''SENSATE LINER FOR DETERMINING HOLE SIZE AND LOCATION.''

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than September 13, 1999.

ADDRESSES: Written objections are to be filed with the Office of Patent Counsel, Space and Naval Warfare Systems Center, D0012, 53510 Silvergate Ave., Rm 103, San Diego, CA 92152–5765.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Fendelman, Patent Counsel, Space and Naval Warfare Systems Center, Code D0012, 53510 Silvergate Ave., Rm 103, San Diego, CA 92152–5765, telephone (619) 553–3001.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: July 7, 1999.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 99–18077 Filed 7–14–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On July 8, 1999, a 60-day notice inviting comment from the public was inadvertently published for the

Federal Direct Stafford/Ford Loan and/or Federal Direct Unsubsidized Stafford/Ford Loan Borrower Promises to Repay His or Her Loan in the **Federal Register** (64 FR 130) dated July 8, 1999. The Leader, Information Management Group, Office of the Chief Information Officer, hereby issues a correction notice 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 August 16, 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.

Requests for copies of the information collection request should be addressed to Vivian Reese, 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 Vivian__Reese@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Joseph Schubart (202) 708–9266.

Dated: July 9, 1999.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

[FR Doc. 99–18015 Filed 7–14–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.299A, 84.299B]

Indian Education Discretionary Grant Programs—Demonstration Grants for Indian Children and Professional Development

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 1999.

Purpose of Program: The purpose of each program is included in this notice under the programmatic information for the program.

Deadline for Transmittal of Applications: August 16, 1999.

Deadline for Intergovernmental Review: October 18, 1999.

Applications Available: July 16, 1999.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts, 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) for the Professional Development Program, the payback provisions of 34 CFR 263.1(b), 263.3, and 263.35 through 263.37.

Selection Criteria

The selection criteria are included in full in the application package for this competition. These selection criteria were established based on the regulations for evaluating discretionary grants found in 34 CFR 75.200 through 75.210.

84.299A Demonstration Grants for Indian Children

Purpose of Program

The purpose of this program is to provide financial assistance to projects to develop, test, and demonstrate the effectiveness of services and programs to improve the educational opportunities and achievement of preschool, elementary, and secondary Indian children, through activities such as—

(a) Innovative programs related to the education needs of educationally deprived children;

(b) Educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography.

(c) Bilingual and bicultural programs and projects;

(d) Special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

(e) Special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

(f) Comprehensive guidance, counseling, and testing services;

(g) Early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

(h) Partnership projects between local educational agencies (LEAs) and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid these students in the transition from secondary school to postsecondary education;

(i) Partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

(j) Programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; or

(k) Other services that meet the purpose of this program.

Eligible Applicants

Eligible applicants for this program include a State educational agency, LEA, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions that meet the requirements of 34 CFR 75.127 through 75.219.

Available funds: $1,265,000.

Estimated Range of Awards: $150,000 to $220,000.

Maximum Annual Award Amount: $220,000.

Estimated Average Size of Awards: $210,000.

Estimated Number of Awards: 6.

Project Period: Up to 24 months.

Priorities

Competitive Preference

(1) In making multiyear grants under this program, the Secretary will award five (5) additional points to applications that present a plan for combining two or more of the activities described above over a period of more than one year.

Authority: Section 9121(d)(1)(B) of Subpart 2 of Part A of Title IX, Indian Education Programs, of the Elementary and Secondary Education Act of 1965 (the Act).

(2) In making grants under this program, the Secretary will award five (5) additional points to applications submitted by Indian tribes, organizations, and institutions of higher education, including a consortium of any of these entities with other eligible entities. An application from a consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 and includes an Indian tribe, organization, or institution of higher education shall be considered eligible to receive the five (5) additional priority points.

Authority: 20 U.S.C. 7873.

Invitational Priorities

While applicants may propose any project within the scope of section 9121(c) of the Act, the Secretary is particularly interested in applications that meet one or more of the following

invitational priorities. However, an application that meets one or more of the invitational priorities does not receive competitive or absolute preference over other applications.

Invitational Priority 1—School readiness projects that provide age appropriate educational programs and language skills to three- and four-year old Indian students to prepare them for successful entry into school at the Kindergarten school level.

Invitational Priority 2—Partnership projects between LEAs and institutions of higher education that provide programs and coursework for high school Indian students to prepare them for successful entry into an accredited post-secondary institution of higher education.

Program Authority: 20 U.S.C. 7831.

84.299B Professional Development

Purpose of Program

The purposes of this program are to (1) increase the number of qualified Indian individuals in professions that serve Indian people; (2) provide training to qualified Indian individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and (3) improve the skills of qualified Indian individuals who serve in the capacities described in (2). Activities may include, but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

Grants for training educational personnel may be for preservice or inservice training. For individuals who are being trained to enter any field other than education, the training received must be in a program resulting in a graduate degree.

Eligible Applicants

Eligible applicants for this program are institutions of higher education, including Indian institutions of higher education; State or local educational agencies, in consortium with institutions of higher education; and Indian tribes or organizations, in consortium with institutions of higher education. An application from a consortium of eligible entities must meet the requirements of 34 CFR 75.127 through 75.129.

Available Funds: $2,000,000.

Estimated Range of Awards: $250,000 to $300,000.

Esitmated Average Size of Awards: $285,714.

Maximum Annual Award Amount: $300,000.

Estimated Number of Awards: 7.

Project Period: Up to 24 months.

Fiscal Information

For the payment of stipends to project participants being trained, the Secretary expects to set the stipend maximum at $1000 per month for full-time students and $125 allowance per month per dependent during the academic year. The terms ''stipend,'' ''full-time student,'' and ''dependent allowance'' are defined in 34 CFR 263.3.

Priorities

Competitive Preference

(1) The Secretary will award five (5) additional points to applications for programs that include only Indian individuals as training participants.

Authority: Section 9122(e)(2); 20 U.S.C. 7832(e)(2).

(2) The Secretary will award five (5) additional points to applications submitted by Indian tribes, organizations, and institutions of higher education. A consortium application of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 and includes an Indian tribe, organization or institution of higher education shall be considered eligible to receive the five (5) additional priority points.

Authority: 20 U.S.C. 7873.

Invitational Priority: Pre-service training programs in education or related areas that will enable participants to complete a bachelor's degree and meet state certification requirements for teachers at the elementary, middle or secondary school level by conclusion of the project period. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Program Authority: 20 U.S.C. 7832.

For Applications or Information Contact: Cathie Martin, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3W115, Washington, DC 20202–6335. Telephone: (202) 260–3774. 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.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request of the person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Note: The official version of this document is published in the **Federal Register.**

Dated: July 9, 1999.

Judith Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 99–17974 Filed 7–14–99; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–254–002]

Destin Pipeline Company, L.L.C.; Notice of Proposed Changes to FERC Gas Tariff

July 9, 1999.

Take notice that on July 2, 1999, Destin Pipeline Company, L.L.C. (Destin) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, First Substitute, Original Sheet No. 94(a), to become effective September 1, 1999.

Destin states that the purpose of this filing is to comply with the Commission's letter order dated June 17, 1999 in the above-referenced docket by clarifying that Destin will provide shippers with information regarding the points at which scheduled volumes are being bumped due to capacity allocation. Destin has requested that this sheet be made effective as of September 1, 1999.

Destin states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section

385.211 of the Commission's rules and regulations. All such protests must be filed as provided in section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17991 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–572–000]

Distrigas of Massachusetts Corporation; Notice of Application

July 9, 1999.

Take notice that on June 30, 1999, Distrigas of Massachusetts Corporation (DOMAC) file an abbreviated application for a certificate of public convenience and necessity and request for shortened procedures requesting authority to install, operate, and maintain a new supplemental hot water heater at its liquefied natural gas (LNG) terminal in Everett, Massachusetts. This filing may be viewed on the web at http://www. ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

DOMAC states that it requires the new supplemental hot water heater to replace an inoperable supplemental heater, in order to ensure operational reliability and flexibility during ship unloadings and periods of high demand and to provide supplemental service to the hot water system supporting DOMAC's medium-pressure vaporization facilities. DOMAC has also requested issuance of temporary authority by August 9, 1999, if the Commission has not granted a certificate by that date, in order to complete installation and testing by the beginning of an anticipated period of increased terminal send out.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. The authorized contact person is Robert A. Nailling, Senior Counsel, Distrigas of Massachusetts Corporation, 75 State Street, 12th Floor, Boston, Massachusetts 02109, (617) 526–8300.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application, if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for DOMAC to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17983 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–42–001]

Kern River Gas Transmission Company; Notice of Correction to Refund Report

July 9, 1999.

Take notice that on July 2, 1999, Kern River Gas Transmission Company (Kern River) tendered for filing a corrected schedule detailing the Gas Research Institute (GRI) refunds made to its customers, to replace the inaccurate schedule originally submitted in this docket.

Kern River states that a copy of this filing has been served upon its affected customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before July 16, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17984 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–430–000]

Petal Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

July 9, 1999.

Take notice that on July 2, 1999, Petal Gas Storage Company (Petal) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fourth Revised Sheet No. 129, with a proposed effective date of August 1, 1999.

Petal states that its filing is made in compliance with the directive of Order No. 587–K, issued on April 2, 1999, in Docket No. RM96–1–011, requiring interstate pipelines to file tariff sheets to conform their tariffs to Version 1.3 of the standards and data sets promulgated by the Gas Industry Standards Board.

Petal states that Fourth Revised Sheet No. 129 has been revised to incorporate by reference the Version 1.3 standards and data sets identified in Order No. 587–K.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17995 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–92–000]

Trust Created Under the Agreement Dated As of June 15, 1978 For the Use and Benefit of PSEG Resources Inc., Sanwa Bank California, Trustee; Notice of Surrender of Exempt Wholesale Generator Status

July 9, 1999.

Take notice that on July 2, 1999, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, the Trust Created Under the Agreement Dated As Of June 15, 1978 For the Use and Benefit of PSEG Resources Inc., Sanwa Bank California, Trustee, filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17996 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2494–002]

Puget Sound Energy, Inc.; Notice of Meeting

July 9, 1999.

A meeting will be convened by staff of the Office of Hydropower Licensing on July 20, 1999, at 9:30 a.m. EDT at the Commission's Headquarters, room 62–26, located at 888 First Street, NE, Washington, DC. By letter dated July 2, 1999, Puget Sound Energy requested a meeting to provide an update on the White River collaborative settlement process and the role (if any) of Commission staff in these ongoing negotiations.

We will not discuss issues dealing with the pending rehearing of the Commission's December 19, 1997, order issuing license for the project. We will restrict discussion primarily to process issues related to setting up and conducting a collaborative settlement process.

If a federal agency wishes to participate by teleconference, they need to call 1–700–991–1540 and enter access code 43165. A non-federal agency should call 1–800–545–4387 and an operator will answer. They will need to give the operator the conference identification number: M36541. The operator will ask them for their name and phone number. The AT&T conference operator will then call them back and they will be part of this conference call.

Any person wishing to attend or needing additional information should contact John Smith at (202) 219–2460 or e-mail at john.smith@ferc.fed.us.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17987 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–252–004]

Sea Robin Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

July 9, 1999.

Take notice that on July 2, 1999, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, First Substitute, First Revised Sheet No. 93, to become effective September 1, 1999.

Sea Robin states that the purpose of this filing is to comply with the Commission's letter order dated June 17, 1999 in the above-referenced docket. Sea Robin has stated that it will provide shippers with notice of scheduled quantities at delivery points that are being bumped.

Sea Robin states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary

[FR Doc. 99–17992 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–574–000]

Southern Natural Gas Company; Notice of Application

July 9, 1999.

Take notice that on July 2, 1999, Southern Natural Gas Company (Southern), AmSouth-Sonat Tower, 1900 Fifth Avenue North, Birmingham, Alabama 35203, filed, in Docket No. CP99–574–000, an application pursuant to Sections 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order permitting and approving the abandonment by sale to Texas Southeastern Gas Gathering Company (Texas Southeastern) of certain pipelines, receiving stations, and appurtenant facilities located in Plaquemines and St. Bernard Parishes, Louisiana, as more fully set forth in the application which is on file with the Commission and open to public inspection. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

Southern states that the proposed abandonment by sale to Texas Southeastern will not affect the capacity of Southern's pipeline system. Southern asserts that this abandonment is in the public interest because the sale of the facilities will reduce its operation and maintenance cost, fuel and gas loss, and capital expenditures for upgrading of lines and receiving stations through the

elimination of approximately 54.2 miles from Southern's pipeline system.

Southern maintains that, after the sale, the facilities can be classified as gathering facilities in accordance with the Commission's ''modified primary function'' test. Southern indicates that Texas Southeastern plans to use these facilities to expand its pipeline facilities and operations in the immediate areas and continue to deliver gas into Southern's pipeline system. Southern states that it will also save Texas Southeastern the cost of building duplicate facilities. Southern says that there will be no loss of service since any request for service on the facilities will be performed by the new owner.

Prior to the transfer of facilities, Southern will construct, install and operate at the terminus of the facilities a new receiving station under its blanket certificate pursuant to section 157.208(a) of the Commission's regulations. Southern reports that the total cost of the station will be borne solely by Texas Southeastern. Southern states that, subsequent to the sale, Southern's shippers, If they so choose, will be able to nominate receipt volumes at the new receiving station. Southern says these receipt volumes could include existing sources from the current gathering system as well as the sources developed by Texas Southeastern.

Southern currently provides firm and interruptible transportation service through the facilities. After the transfer of the facilities, Texas Southeastern intends to offer gathering services comparable to those offered by other gas gathers, at negotiated rates.

Any questions regarding this application should be directed to R. David Hendrickson at (205) 325–7114 or Margaret M. Morton at (205) 325–7354, Southern Natural Gas Company, P.O. Box 2563, Birmingham, Alabama 35202–2563.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17997 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–302–001]

Viking Gas Transmission Company; Notice of Tariff Filing

July 9, 1999.

Take notice that on July 6, 1999, Viking Gas Transmission Company (Viking) tendered or filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to be effective June 3, 1999:

Substitute Original Sheet No. 86A

Viking states that the purpose of this filing is to comply with the Commission's June 3, 1999 Letter Order issued in Docket No. RP99–302–000, 87 FERC ¶ 61,280 (June 3, 1999 Order). In the June 3, 1999 Order, the Commission directed Viking to remove the proposed revised language to Section XXIII(4) of the General Terms and Conditions of Viking's FERC Gas Tariff and to reinstate Section XXIII(d).

Vikings states that copies of this filing have been served upon each person or company named on the Commission's service list in the above-captioned proceeding, on Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17993 Filed 2–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–413–000]

Viking Gas Transmission Company; Notice of Tariff Filing

July 9, 1999.

Take notice that on July 6, 1999, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective August 1, 1999.

Viking states that the purpose of this filing is to comply with Standards for Business Practices of Interstate Natural Gas Pipelines, Order No. 587–K, issued on April 2, 1999 in Docket No. RM96–1–011, FERC Regulations Preambles ¶ 31,072.

Viking states that copies of this filing have been served on all of Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc 99–17994 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94–1478–016, et al.]

Electrade Corporation, et al. Electric Rate and Corporate Regulation Filings

July 8, 1999.

Take notice that the following filings have been made with the Commission:

1. Electrade Corporation

[Docket No. ER94–1478–016]

Take notice that on June 30, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

2. Nordic Electric, L.L.C. and Alliance Energy Services

[Docket No. ER96–127–007 and Docket No. ER99–1945–001]

Take notice that on June 28, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Wisconsin Power & Light Company

[Docket No. ER98–3722–000]

Take notice that on July 1, 1999, Wisconsin Power & Light Company tendered for filing an amendment to its December 10, 1998 filing, in the above-referenced docket.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Carolina Power & Light Company

[Docket No. ER99–3448–000]

Take notice that on July 1, 1999, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with West Penn Power Company under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4.

CP&L is requesting an effective date of June 23, 1999, for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER99–3449–000]

Take notice that on July 1, 1999, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), tendered for filing four (4) service agreements for firm point-to-point transmission service between SCS, as agent for Southern Company, and (i) Public Service Company of Colorado, (ii) AEP Companies, (iii) Alabama Electric Cooperative. and (iv) El Paso Power Services Company; one (1) service agreement for non-firm point-to-point transmission service between SCS, as agent for Southern Company, and Public Service Company of Colorado; and one Notice of Cancellation of the non-firm point-to-point transmission service agreement between SCS, as agent for Southern Company, and Engage Energy US, L.P., under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Original Volume No. 5).

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Foote Creek II, LLC

[Docket No. ER99–3450–000]

Take notice that on July 1, 1999, Foote Creek II, LLC a Delaware limited liability company, tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for blanket waivers and blanket approvals under various regulations of the Commission including authority to sell electricity at market-based rates and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective on June 30, 1999.

Foote Creek II, LLC's FERC Electric Rate Schedule No. 1 provides for sales under the Power Purchase Agreement between Foote Creek II, LLC and Bonneville Power Administration. Foote Creek II, LLC is a Delaware limited liability company that proposes to engage in the wholesale sale of Electric power in the state of Wyoming and has its address in San Diego, California.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. New England Power Pool

[Docket No. ER99–3452–000]

Take notice that on July 1, 1999, the New England Power Pool Participants Committee tendered for filing for acceptance six signature pages to the New England Power Pool (NEPOOL), Agreement dated September 1, 1971, as amended, signed by American Electric Power Service Corporation (AEP Service Corporation), Kentucky Power Company (Kentucky Power), Indiana Michigan Power Company (Indiana Michigan Power), Ohio Power Company (Ohio Power), Columbus Southern Power Company (Columbus Southern) and Appalachian Power Company (Appalachian Power). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission's acceptance of the signature pages of AEP Service Corporation, Kentucky Power, Indiana Michigan Power, Ohio Power, Columbus Southern and Appalachian Power (the AEP Companies) would permit NEPOOL to expand its membership to include the AEP Companies. The Participants Committee further states that the filed signature pages do not change the NEPOOL Agreement in any manner, other than to make the AEP Companies members in NEPOOL.

The Participants Committee requests an effective date of July 1, 1999, for commencement of participation in NEPOOL by the AEP Companies.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. The Dayton Power and Light Company

[Docket No. ER99–3454–000]

Take notice that on July 1, 1999, The Dayton Power and Light Company (Dayton), tendered for filing service agreements with Consumers Energy Company under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the

service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon with Consumers Energy Company and the Public Utilities Commission of Ohio.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. The Dayton Power and Light Company

[Docket No. ER99–3455–000]

Take notice that on July 1, 1999, The Dayton Power and Light Company (Dayton), tendered for filing service agreements with South Carolina Electric & Gas Company under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon South Carolina Electric & Gas Company and the Public Utilities Commission of Ohio.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Central Vermont Public Service Corporation

[Docket No. ER99–3456–000]

Take notice that on July 1, 1999, Central Vermont Public Service Corporation (Central Vermont), tendered for filing Service Agreements with Cinergy Services, Inc., Southern Energy Trading and Marketing, Inc., and Avista Energy, Inc. The service agreements provide for the sale, from time to time, of transmission services by Central Vermont pursuant to its FERC Electric Tariff Original Volume No. 7 (Tariff No. 7). Central Vermont also tendered for filing an amendment to its Index of purchasers under Tariff No. 7.

Central Vermont requests the Commission to waive its notice of filing requirement to permit the service agreements to become effective on the day they were filed. Central Vermont states that it has not yet provided service under the agreements.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Union Electric Company

[Docket No. ER99–3457–000]

Take notice that on July 1, 1999, Union Electric Company (UE), tendered for filing an Amendment to the Wholesale Electric Service Agreement between UE and the City of Owensville, Missouri (Owensville). UE states that the amendment will allow Owensville to participate in a voluntary curtailment program similar to that applicable to its retail electric service customers in Missouri.

UE has proposed to make the Second Amendment effective on July 2, 1999.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Niagara Mohawk Power Corporation

[Docket No. ER99–3458–000]

Take notice that on July 1, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Route 20 Consortium, Inc., (Route 20). This Transmission Service Agreement specifies that Route 20 has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and Route 20 to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for Route 20 as the parties may mutually agree.

Niagara Mohawk requests an effective date of June 24, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and Route 20.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER99–3459–000]

Take notice that on July 1, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Agway Energy Services, Inc. (Agway). This Transmission Service Agreement specifies that Agway has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and Agway to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for Agway as the parties may mutually agree.

Niagara Mohawk requests an effective date of June 24, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and Agway.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Cinergy Services, Inc.

[Docket No. ER99–3460–000]

Take notice that on July 1, 1999, Cinergy Services, Inc. (Cinergy), tendered for filing a Network Service Agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Cinergy Services, Inc. '' Energy Commodities Business Unit (CSI ECBU).

An Application For Network Integration Service for the City of Williamstown, Kentucky has been included as part of the service agreement under the Tariff.

Cinergy and CSE ECBU are requesting an effective date of June 1, 1999.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. California Independent System Operator Corporation

[Docket No. ER99–3461–000]

Take notice that on July 1, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between PacifiCorp and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on PacifiCorp and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective as of June 18, 1999.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. California Independent System Operator Corporation

[Docket No. ER99–3463–000]

Take notice that on July 1, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Scheduling Coordinator Agreement between the ISO and City of Pasadena for acceptance by the Commission.

The ISO states that this filing has been served on City of Pasadena and the California Public Utilities Commission.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. West Texas Utilities Company

[Docket No. ER99–3464–000]

Take notice that on July 1, 1999, West Texas Utilities Company (WTU), tendered for filing Amendment No. 1 to the Power Supply Agreement (PSA), dated June 21, 1996, between WTU and the City of Weatherford, Texas (Weatherford). Amendment No. 1 extends service under the PSA beyond the initial five-year term and provides for market-based rates at the end of the initial term.

WTU seeks an effective date of January 1, 2002 and, accordingly, seeks waiver of the Commission's notice requirements.

WTU served copies of the filing on Weatherford and the Public Utility Commission of Texas.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER99–3465–000]

Take notice that on July 1, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP), tendered for filing a proposed First Revised Attachment J to the NSP Open Access Transmission Tariff (Tariff). The filing incorporates the Mid-Continent Area Power Pool (MAPP) regional Line Loading Relief (LLR) transmission curtailment procedures into Attachment J to the NSP OATT, in compliance with ordering paragraphs (C) and (D) of the Commission's December 16, 1998 order in North American Electric Reliability Council, 85 FERC ¶ 61,353 (1998).

The Commission previously accepted the NSP Attachment J procedure for filing effective May 1, 1999, in Docket No. ER99–2013–000. The Commission recently accepted the MAPP LLR regional procedures for filing effective June 1, 1999. Mid-Continent Area Power Pool, 87 FERC ¶ 61,333 (MAPP Order). NSP is a MAPP member pursuant to the MAPP Restated Agreement and is therefore subject to the LLR procedures.

NSP proposes the change be effective June 1, 1999, the date provided in the MAPP Order. NSP also makes minor conforming changes to its Tariff.

The NSP Companies state they have served a copy of the filing on the utility commissions in Minnesota, Michigan, North Dakota, South Dakota and Wisconsin and affected transmission service customers.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Southern Company Services, Inc.

[Docket No. ER99–3466–000]

Take notice that on July 1, 1999, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), tendered for filing an agreement with the Alabama Municipal Electric Authority (AMEA) whereby APC will construct a second feed into the City of Fairhope 115 kV delivery point. APC provides wholesale service to AMEA at that delivery point under the Amended and Restated Agreement for Partial Requirements and Complimentary Services Between Alabama Power Company and the Alabama Municipal Electric Authority (APCo No. 168).

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Montaup Electric Company

[Docket No. ER99–3467–000]

Take notice that on July 1, 1999, Montaup Electric Company (Montaup), tendered for filing its modification to its open access transmission tariff, reducing the rate of return on common equity from 11.1% to 10.65%.

Montaup asks that this filing become effective on August 1, 1999.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Delmarva Power & Light Company

[Docket No. ER99–3468–000]

Take notice that on July 1, 1999, Delmarva Power & Light Company tendered for filing an unexecuted Interconnection Agreement with Commonwealth Chesapeake Company, LLC (CCC).

Delmarva requests that the Interconnection Agreement become effective on July 1, 1999.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. New England Power Pool

[Docket No. ER99–3469–000]

Take notice that on July 1, 1999, the New England Power Pool (NEPOOL) Participants Committee filed a Service Agreement for Through or Out Service or In Service pursuant to Section 205 of the Federal Power Act and 18 CFR 35.12 of the Commission's Regulations.

Acceptance of this Service Agreement will recognize the provision of Firm In Service transmission to Central Vermont Public Service Corp., in conjunction with Regional Network Service, in accordance with the provisions of the NEPOOL Open Access Transmission Tariff filed with the Commission on December 31, 1996, as amended and supplemented. A retroactive effective date of June 1, 1999 for commencement of transmission service has been requested. Copies of this filing were sent to all NEPOOL members, the New England public utility commissioners and all parties to the transaction.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. New England Power Pool

[Docket No. ER99–3470–000]

Take notice that on July 1, 1999, the New England Power Pool (NEPOOL) Participants Committee tendered for filing a Service Agreement for Through or Out Service or In Service pursuant to Section 205 of the Federal Power Act and 18 CFR 35.12 of the Commission's Regulations.

Acceptance of this Service Agreement will recognize the provision of Firm In Service transmission to PG&E Energy Trading—Power LP, in conjunction with Regional Network Service, in accordance with the provisions of the NEPOOL Open Access Transmission Tariff filed with the Commission on December 31, 1996, as amended and supplemented.

A retroactive effective date of June 1, 1999 for commencement of transmission service has been requested.

Copies of this filing were sent to all NEPOOL members, the New England public utility commissioners and all parties to the transaction.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. New England Power Pool

[Docket No. ER99–3471–000]

Take notice that on July 1, 1999, the New England Power Pool (NEPOOL) Participants Committee tendered for filing a Service Agreement for Through or Out Service or In Service pursuant to Section 205 of the Federal Power Act and 18 CFR 35.12 of the Commission's Regulations.

Acceptance of this Service Agreement will recognize the provision of Firm In Service transmission to Morgan Stanley Capital Group Inc., in conjunction with Regional Network Service, in accordance with the provisions of the NEPOOL Open Access Transmission Tariff filed with the Commission on December 31, 1996, as amended and supplemented.

A retroactive effective date of June 1, 1999 for commencement of transmission service has been requested.

Copies of this filing were sent to all NEPOOL members, the New England

public utility commissioners and all parties to the transaction.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. New England Power Pool

[Docket No. ER99–3472–000]

Take notice that on July 1, 1999, the New England Power Pool Participants Committee filed for acceptance a signature page to the New England Power Pool (NEPOOL) Agreement dated September 1, 1971, as amended, signed by StratErgy, Inc. (StratErgy). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Participants Committee states that the Commission's acceptance of StratErgy's signature page would permit NEPOOL to expand its membership to include StratErgy. The Participants Committee further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make StratErgy a member in NEPOOL.

The Participants Committee requests an effective date of July 1, 1999, for commencement of participation in NEPOOL by StratErgy.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. California Power Exchange Corporation

[Docket No. ER99–3473–000]

Take notice that on July 1, 1999, the California Power Exchange Corporation (PX), on behalf of its newly-created division, CalPx Trading Services (CTS), tendered for filing an amendment to the CTS Administrative Fee Schedule for its Block Forward Market. The sole purpose of the amendment is to provide the option for CTS to discount its administrative fees below the levels already authorized by the Commission. The amendment is proposed to take effect on the date of filing.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. The Dayton Power and Light Company

[Docket No. ER99–3453–000]

Take notice that on July 1, 1999, The Dayton Power and Light Company (Dayton), tendered for filing service agreement establishing Cargill-Alliant, LLC and Consumers Energy Company as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Cargill-Alliant, LLC and Consumers Energy Company and the Public Utilities Commission of Ohio.

Comment date: July 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17998 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA) and Request for Preliminary Terms and Conditions

July 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2016–000.

c. *Applicant:* Tacoma Power.

d. *Name of Project:* Cowlitz River Hydroelectric Project.

e. *Location:* On the Cowlitz River, in Lewis County, Washington. About 5 acres are located on the Gifford Pinchot National Forest.

f. *Applicant Contact:* Toby Freeman, Tacoma Power, 3628 South 35th Street, Tacoma, WA 98411; (253) 502–8862.

g. *FERC Contact:* David Turner (202) 219–2844, Email:david.turner@ferc.fed.us.

h. Tacoma mailed a copy of the Preliminary Draft Environmental Assessment and draft application to interested parties on June 30, 1999. The Commission received a copy of the PDEA and draft application on July 1, 1999.

i. With this notice we are soliciting preliminary terms, conditions, and recommendations on the PDEA and draft license application. All comments on the PDEA and draft license application should be sent to the address above in item (f) with one copy filed with the Commission at the following address: Federal Energy Regulatory Commission, David P. Boergers, Secretary, 888 First St. NE, Washington, DC 20426. All comments must include the project name and number, and bear the heading ''Preliminary Comments,'' Preliminary Recommendations,'' ''Preliminary Terms and Conditions,'' or ''Preliminary Prescriptions.'' Any party interested in commenting must do so before September 28, 1999.

j. With this notice, we are initiating consultation with the STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–0371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. (Call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17985 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of an Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

July 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Revised Project Boundary.

b. *Project No.:* 2206–013.

c. *Date Filed:* February 4, 1999.

d. *Applicant:* Carolina Power & Light Company.

e. *Name of Project:* Yadkin-Pee Dee River Project, Tillery Hydroelectric Development.

f. *Location:* On the Yadkin-Pee Dee River in Anson, Richmond, Montgomery, and Stanly Counties, North Carolina. The amendment of license will not affect any federal lands.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Mr. Larry Yarger, P.O. Box 1551, 411 Fayetteville Street Mall, Raleigh, NC 27602, (919) 546–6196.

i. *FERC Contact:* Any questions on this notice should be addressed to Mohamad Fayyad at mohamad.fayyad@ferc.fed.us or 202–219–2665.

j. *Deadline for filing comments and/or motions:* August 16, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Please include the project number (2206–013) on any comments or motions filed.

k. *Description of Filing:* Carolina Power & Light Company (CP&L) filed revised exhibit K drawings showing the project boundary of the Tillery Development of the Pee Dee River Project. CP&L proposes to remove some encroaching structures from the project boundary, and to add small portions of land owned by CP&L. The net gain for the project is about 361 acres.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'' ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17986 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

July 9, 1999.

Take notice that the following applications have been filed with the Commission and are available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project Nos:* 2503–050, 2503–052, and 2503–053.

c. *Date Filed:* June 2, 1999.

d. *Applicant:* Duke Energy Corporation.

e. *Name of Project:* Keowee & Jocassee Hydroelectric Project.

f. *Location:* Adjacent to Cliffs at Keowee Vineyards subdivision, on Lake Keowee, in Pickens County, South Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation P.O. Box 1006 (EC12V), Charlotte, NC 28201–1006, (704) 382–5778.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.fed.us.

j. *Deadline for filing comments and or motions:* August 5, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Please include the project number (2503–050, –052, or 053) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Cliffs at Keowee Vineyards the following parcels and uses of project lands and waters: Project No. 2503–050—2.68 acres for the development of a commercial marina. This facility will have 6 docks with a total of 88 boat slips, a boat access ramp, and a fuel dock with gasoline pumps and a waste pump-out facility. This facility will be provided for residents of the Cliffs at Keowee Vineyards subdivision. Project No. 2503–052—4.25 acres for the development of a residential docking facility. This facility will have 10 docks containing a total of 138 boat slips. This facility is to provide access to the reservoir for residents of the Cliffs at Keowee Vineyards subdivision. Project No. 2503–053—approval of a water withdrawal of 1.44 million gallons per day, on an as needed basis, for the irrigation of the golf course associated with the Cliffs at Keowee Vineyards subdivision.

No dredging is proposed in conjunction with these applications.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17988 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

July 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2722–008.

c. *Date filed:* August 21, 1998.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Pioneer Hydroelectric Project.

f. *Location:* On the Ogden River, near the town of Ogden, in Weber County, Utah, within the Cache National Forest. Water is supplied from the U.S. Bureau of Reclamation's Pineview Reservoir.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Randy Landolt, Director Hydro Resources, PacifiCorp, 920 SW Sixth Avenue Portland, Oregon 97204 (503) 464–5339.

i. *FERC Contact:* Any questions on this notice can be addressed to Gaylord W. Hoisington, E-mail address gaylord.hoisington@ferc.fed.us, or telephone (202) 219–2831.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of that document on that resource agency.

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time.

1. *Description of the Project:* The existing project consists of: (1) the existing intake structure; (2) a 75-inch diameter, 5.5-mile-long flowline; (3) a 27-foot-high by 28-foot-diameter surge tank; (4) a 6-foot-diameter, 4,000-foot-long steel penstock; (5) a brick powerhouse with two generating units with a total installed capacity of 5.0 megawatts; (6) a 3,000-foot-long, tailrace canal; (6) an 11,000-foot-long, 66-kV transmission line; and (7) other appurtenant facilities. No new construction is planned.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission

in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17989 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

July 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11785–000.

c. *Date Filed:* June 29, 1999.

d. *Applicant:* City of Broken Bow, Oklahoma.

e. *Name of Project:* Pine Creek Lake.

f. *Location:* On Little River, near the town of Wright City, McCurtain County, Oklahoma, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Gerald B. Davenport, Hall, Estill, Hardwick, Gable, Golden and Nelson, P.C., 320 S. Boston Avenue, Suite 400, Tulsa, OK 74103.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First, NE, Washington, DC 20426.

The Commission's rules of practice and procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Competing Application:* Project No. 11667–000, Date Filed: February 1, 1999, Date Due: June 1, 1999.

l. The proposed project would utilize the existing US Army Corps of Engineers' Pine Creek Dam and would consist of: (1) A new diversion structure; (2) a new penstock; (3) a new 30-foot-long, 50-foot-wide, 20-foot-high powerhouse containing one 4,000-kW generating unit; (4) a new tailrace; (5) a new step-up substation; (6) a new 6.9-kV transmission line; and (7) appurtenant facilities.

Applicant estimates that the average annual generation would be 15 GWh and that the cost of the studies to be performed under the terms of the permit would be $350,000. Project energy would be utilized to supply a portion of Applicant's energy requirements.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, 358.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17990 Filed 7–14–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6378–1]

Notice of Approval of Prevention of Significant Deterioration (PSD) Permits to Kawaihae Cogeneration Partnership (Hawaii CSP No. 0001–01–C), Maui Electric Company, Limited for the Maalaea Generating Station Units M17 & M19 (Hawaii CSP No. 0067–01–C), and Encogen Cogeneration Facility (Hawaii CSP No. 0243–01–C)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Hawaii Department of Health, acting under authority of a PSD delegation agreement, issued PSD permits to the following applicants:

Kawaihae Cogeneration Partnership granting approval to construct two 21 megawatt combustion turbine generators with waste heat recovery steam generators and one 16 megawatt steam turbine generator to be located at Kawaihae on the island of Hawaii. The permit became effective on April 28, 1997 and includes the following emission limits: NO_X at 15 ppm (maximum 13.8 lbs/hr), SO_2 at 78.8 ppm (maximum 97.2 lbs/hr), PM10 at 0.042 gr/dscf (maximum 10.0 lbs/hr), CO at 302.5 ppm (maximum 144.8 lbs/hr), and VOC at 18.6 ppm (maximum 6.1 lbs/hr).

The Maui Electric Company granting approval to construct two 20 megawatt simple cycle combustion turbine generators, M17 and M19, at the Maalaea Generating Station located on the island of Maui. The permit became effective on September 10, 1998 and includes the following emission limits: NO_X at 42 ppm (maximum 42.3 lbs/hr), SO_2 at 79 ppm (maximum 110 lbs/hr), PM10 at 0.045 gr/dscf (maximum 19.7 lbs/hr), CO at 44 ppm (maximum 26.8 lbs/hr), and VOC at 10 ppm (maximum 3.8 lbs/hr).

Encogen Hawaii, L.P. granting approval to construct two 23 megawatt combustion turbine generators with heat recovery steam generators and one 19 megawatt steam turbine generator to be located at Hiana, on the island of Hawaii. The permit became effective on March 26, 1999 and includes the following emission limits: NO_X at 15 ppm (maximum 11.7 lbs/hr), SO_2 at 11.5 ppm (maximum 15 lbs/hr), PM10 at 0.02 gr/dscf (maximum 4.7 lbs/hr), CO at 57.5 ppm (maximum 28 lbs/hr), and VOC at 6.5 ppm (maximum 2 lbs/hr).

DATES: The PSD permits are reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Robert Baker (AIR–3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1258.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include water/steam injection for all three facilities and SCR on the Kawaihae and Encogen facilities for the control of NO_X emissions, low sulfur fuels for the control of SO_2 and PM10 emissions, and good combustion design and operation for the control of PM10, CO, and VOC emissions. Air quality impact modelling was required for NO_X, SO_2, CO and PM10. Continuous emission monitoring is required for NO_X, CO and opacity and all three sources are subject to New Source Performance Standards, subparts A and GG.

Dated: June 27, 1999.

Kenneth Bigos,

Acting Director, Air Division, Region 9.

[FR Doc. 99–18045 Filed 7–14–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 98–20; WT Docket No. 95–69; FCC 99–140]

Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document provides for public access via the Internet to application and licensing information in our Universal Licensing System (ULS) for wireless services. It also provides for similar access via the Internet to application data in our auctions database. The intended effect is to make application and licensing information more widely available to the public while greatly reducing the total costs of obtaining such information.

FOR FURTHER INFORMATION CONTACT: David Furth, Wireless Telecommunications Bureau, at (202) 418–0600.

SUPPLEMENTARY INFORMATION: This *Second Report and Order* in WT Docket No. 98–20, WT Docket No. 95–69, adopted June 10, 1999, and released June 15, 1999, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036 (202) 857–3800. The document is also available via the internet at http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html.

Synopsis of Second Report and Order

I. Introduction

In this Second Report and Order, the Commission provides for public access via the Internet to application and licensing information in the Wireless Telecommunications Bureau's Universal Licensing System (ULS). This Second Report and Order also provides for similar access via the Internet to application data in our auctions database.

II. Discussion

A. Internet Access to ULS Application and Licensing Information

In this *Second Report and Order,* we adopt changes to our rules and procedures that will allow for public access through the Internet to application and licensing information in our Universal Licensing System (ULS) for wireless services. We provide for similar access via the Internet to application data in our auctions database. Specifically, we have taken a number of steps in this order to allow the public to have access to much of our licensing information at the lowest possible cost.

We authorize public access through the Internet to ULS, as soon as technically feasible, for purposes of viewing application and licensing information. This will significantly enhance the ability of the public to access public record information regarding wireless licensees at reduced cost. To ensure the security and reliability of the database, however, parties filing applications or notifications in ULS will continue to dial directly into the Commission's Wide Area Network (FCC WAN) by means of an 800 or 900 number.

Additionally, we authorize access on the Internet to short form applications (Form 175) that have been filed in our auctions database. This will be permitted as soon as it is technically feasible. This will enable interested parties and the public to review application data pertaining to bidders in ongoing auctions, as well as application data from previously completed auctions. Auction participants will continue to use the 900 number to access the FCC WAN for purposes of bidding electronically and reviewing updated auction round results.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17999 Filed 7–14–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, National Dam Safety Review Board

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of meeting.

SUMMARY: In accordance with § 8(h) of the National Dam Safety Program Act (Pub. L. 104–303), the Federal Emergency Management Agency gives notice that the following meeting will be held:

NAME: National Dam Safety Review Board.

DATE OF MEETING: July 27–28, 1999.

PLACE: Federal Emergency Management Agency, 500 C Street, SW, rooms 331 and 212A, Washington, DC 20472.

TIMES: July 27: 9:00 a.m. to 3:00 p.m., room 331: and July 28: 9:00 a.m. to 1:00 p.m., room 212A.

PROPOSED AGENDA: July 27–28, 1999, Review National Dam Safety Program Activities.

STATUS: This meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Donald Bathurst, Director, National Dam Safety Program, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., room 421, Washington, DC 20472, telephone (202) 646–2753 or by facsimile at (202) 646–4596.

SUPPLEMENTARY INFORMATION: This meeting is open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Rita Henry, Federal Emergency Management Agency, 500 C Street SW., room 444, Washington, DC 20472, telephone (202) 646–2704 or Bud Andress at (202) 646–2801 or by facsimile at (202) 646–4596 on or before July 23, 1999.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved by the National Dam Safety Review Board.

Dated: July 8, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–18046 Filed 7–14–99; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 29, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. James M. Seneff, Robert A. Bourne, Curtis B. McWilliams, Jean A. Wall, all of Winter Park, Florida, Phillip M. Anderson, Jr., James W. Kersey, Kelley P. Mossburg, Jack L. Parker, Lynn E. Rose, Michael T. Shepardson, John T. Walker, Beverly S. Walker, all of Orlando, Florida, and Edgar James McDougall, Maitland, Florida; to acquire voting shares of Alliance Bancshares, Inc., Orlando, Florida, and thereby indirectly acquire voting shares of Alliance Bank, Orlando, Florida.

Board of Governors of the Federal Reserve System, July 9, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18002 Filed 7–14–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 9, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Fidelity Company, Dyersville, Iowa; to acquire 100 percent of the voting shares of First Postville Bancorporation, Inc., Postville, Iowa, and thereby indirectly acquire Citizens State Bank, Postville, Iowa.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Inwood Bancshares, Inc., Dallas, Texas, and Inwood Delaware, Inc., Dover, Delaware; to acquire 100 percent of the voting shares of Provident Bank, Dallas, Texas.

2. Prosperity Bancshares, Inc., El Campo, Texas; to merge with South Texas Bancshares, Inc., Beeville, Texas, and thereby indirectly acquire CNB Delaware Company, Dover, Delaware, and The Commercial National Bank of Beeville, Beeville, Texas.

Board of Governors of the Federal Reserve System, July 9, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18001 Filed 7–14–99; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Electronic Posting System

AGENCY: General Services Administration.

ACTION: Correction to Notice of public meeting.

SUMMARY: The General Services Administration (GSA) and the Office of Federal Procurement Policy (OFPP) will hold a public meeting to familiarize Electronic Commerce vendors with the Electronic Posting System (EPS) and to solicit input from vendors on enhancements to EPS. The original notice of this meeting was published in the **Federal Register** on June 30, 1999, at 64 FR 35169.

DATES: The meeting will be held August 11, 1999, from 9 a.m.–1 p.m.

ADDRESSES: The meeting will be in the GSA Auditorium, at the GSA Headquarters Building, 1800 F St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Fontaine, ARNet Program Manager, GSA, Paul.Fontaine@gsa.gov, (202) 501–6941, or Julie Basille, OFPP, Julie__Basile@OMB.EOP.GOV, (202) 395–4821.

SUPPLEMENTARY INFORMATION: The Electronic Posting System (EPS) is being considered for adoption as the ''single point of entry'' for notice of Federal business opportunities. This is based upon a highly successful pilot project wherein EPS was used and later adopted by the General Services Administration (GSA), National Aeronautics and Space Administration (NASA), Department of the Treasury, Department of Transportation and Department of the Air Force. The EPS project team at GSA, and the Office of Federal Procurement policy (OFPP), are conducting a public forum on EPS for Electronic Commerce vendors entitled ''Building the Single Point of Entry''. The intended audience is both the technical and marketing staffs of companies, which market Electronic Commerce products, and services for the Federal Government. The two purposes of the meeting are to first, introduce vendors to EPS and second, to solicit input from vendors on what EPS can do to enhance their market within the Federal EC arena.

Dated: July 8, 1999.

Ida M. Ustad,

Deputy Assistant Administrator for Acquisition Policy.

[FR Doc. 99–17982 Filed 7–14–99; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of National AIDS Policy; Notice of Meeting of the Presidential Advisory Council on HIV/AIDS and Its Subcommittees

July 1, 1999.

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Presidential Advisory Council on HIV/AIDS on October 4–5, 1999, at the Radisson-Barcelo, Washington, DC. The meeting of the Presidential Advisory Council on HIV/AIDS will take place on Monday, October 4 and Tuesday, October 5 from 8:30 a.m. to 6:00 p.m. at the Radisson-Barcelo, 2121 P Street, NW, Washington, DC 20037. The meetings will be open to the public.

The purpose of the subcommittee meetings will be to finalize any recommendations and assess the status of previous recommendations made to the Administration. The agenda of the Presidential Advisory Council on HIV/AIDS may include presentations from the Council's subcommittees, Appropriations, Discrimination, International, Prevention, Prison, Racial Ethnic Populations, Research, and Services Issues.

Daniel C. Montoya, Executive Director, Presidential Advisory Council on HIV and AIDS, Office of National AIDS Policy, 736 Jackson Place, NW, Washington, DC 20503, Phone (202) 456–2437, Fax (202) 456–2438, will furnish the meeting agenda and roster of committee members upon request. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Andrea Hall at (301) 986–4870 no later than September 17, 1999.

Daniel C. Montoya,

Executive Director, Presidential Advisory Council on HIV and AIDS.

[FR Doc. 99–17979 Filed 7–14–99; 8:45 am]

BILLING CODE 3195–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D–0077]

Draft Guidance for Industry: Clinical Development Programs for Drugs, Devices, and Biological Products Intended for the Treatment of Osteoarthritis (OA); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Clinical Development Programs for Drugs, Devices, and Biological Products Intended for the Treatment of Osteoarthritis (OA).'' The draft guidance is intended to stimulate discussion about designing clinical programs for the development of drugs, devices, and biological products intended for the treatment of osteoarthritis (OA). This draft guidance reflects comments received in response to a previous draft version of the guidance available in February 1998.

DATES: Written comments on the draft guidance document may be submitted by September 13, 1999. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Copies of the draft guidance and appended questions are available on the Internet at ''http://www.fda.gov/cder/guidance/index.htm'' or ''http://www.fda.gov/cber/guidelines.htm''. Submit written requests for single copies of the draft guidance and appended questions to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or to the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448; FAX: 1–888–CBERFAX or 301–827–3844, mail: the Voice Information System at 800–835–4709 or 301–827–1800. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFD–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Sandra N. Cook, Center for Drug Evaluation and Research (HFD–550), 9201 Corporate Blvd., Rockville, MD 20850, 301–827–2090.

SUPPLEMENTARY INFORMATION: Currently, treatment for OA is fundamentally symptomatic, with no data available on long-term outcomes. Clinical trial experience with OA has been limited to short-term studies in patients with knee or hip OA and generalized OA normally has not been appropriate for assessing OA agents. A number of novel approaches are under study for the treatment of OA, as companies, clinicians, and patients search for more

effective treatments. The design of clinical programs for developing drugs, devices, or biological products intended for the treatment of OA was the subject of a previous draft guidance issued in February 1998 (63 FR 8208, February 18, 1998). The February 1998 draft guidance generated several comments and was the subject of discussion at the Arthritis Advisory Committee meeting held on February 20, 1998.

The agency found the comments and the discussion at the advisory committee meeting very helpful in developing the recommendations to industry, contained in the guidance, on the design of clinical programs for developing drugs, devices, or biological products intended for the treatment of OA. However, the agency believes that more public input would be beneficial in preparing a final version of the guidance. Accordingly, the agency has decided to issue this revised version of the guidance as a draft.

This level 1 draft guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). The draft guidance represents the agency's current thinking on developing drugs, devices, or biological products intended for the treatment of OA. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

Interested persons may, on or before September 13, 1999, submit to the Dockets Management Branch (address above) written comments on the draft document. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft document, appended questions, and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 8, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy Coordination.

[FR Doc. 99–18031 Filed 7–14–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–9042]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Request for Accelerated Payments and Supporting Regulations in 42 CFR 412.116 and 413.64;

Form No.: HCFA–9042;

Use: Medicare reimbursements are usually arranged through a fiscal intermediary who serves as the Secretary's agent for reviewing claims and making payments equal to the provider's reasonable costs. When a delay in Medicare payment by a fiscal intermediary, for covered services, causes financial difficulties for a provider, the provider may request an accelerated payment. An accelerated payment may also be made in highly exceptional situations where a provider has incurred a temporary delay in its bill processing beyond the provider's normal billing cycle. An accelerated payment can be requested by a provider that is not receiving periodic interim payments. These forms are used by fiscal intermediaries to access a provider's eligibility for accelerated payments.

Frequency: On occasion;

Affected Public: Business or other for-profit, and Not for-profit institutions;

Number of Respondents: 890;

Total Annual Responses: 890;

Total Annual Hours Requested: 445.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 16, 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. 99–18007 Filed 7–14–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–0209 and HCFA–1557]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations in 42 CFR 493.1–493.2001; *Form No.:* HCFA–0209 (OMB #0938–0151); *Use:* CLIA requires the Department of Health and Human Services (DHHS) to establish certification requirements for any laboratory that performs tests on human specimens, and to certify through the issuance of a certificate that those laboratories meet the requirements established by DHHS. The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. Information on personnel qualifications of all technical personnel is needed to ensure the sample is representative of all laboratories; *Frequency:* Biennially; *Affected Public:* Business or other for profit, Not for profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 26,500; *Total Annual Responses:* 13,250; *Total Annual Hours:* 6,625.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Report Form Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations in 42 CFR 493.1–493.2001; *Form No.:* HCFA–1557 (OMB #0938–0544); *Use:* CLIA requires the Department of Health and Human Services (DHHS) to establish certification requirements for any laboratory that performs tests on human specimens, and to certify through the issuance of a certificate that those laboratories meet the requirements established by DHHS. The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. In order for the State survey agency to report to HCFA its findings on facility compliance with the individual standards on which HCFA determines compliance, the surveyor completes the Survey Report Form. The Survey Worksheet provides space to document the surveyor's notes; *Frequency:* Biennially; *Affected Public:* Business or other for profit, Not for profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 30,512; *Total Annual Responses:* 15,526; *Total Annual Hours:* 7,628.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Louis Blank, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: July 8, 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. 99–18079 Filed 7–14–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–484]

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 Physician's Certification of Medical Necessity for Home Oxygen Therapy and Supporting Regulations in 42 CFR 410.38 and 424.5;

Form No.: HCFA–484 (OMB# 0938–0534);

Use: To determine if oxygen is reasonable and necessary pursuant to Medicare Statute, Medicare claims for home oxygen therapy must be supported by the treating physician's statement and other information including estimate length of need (# of months), diagnosis codes (ICD–9) and:

1. Results and date of the most recent arterial blood gas PO^2 and/or oxygen saturation tests.

2. The most recent arterial blood gas PO^2 and/or oxygen saturation test performed EITHER with the patient in a chronic stable state as an outpatient, OR within two days prior to discharge from an inpatient facility to home.

3. The most recent arterial blood gas PO^2 and/or oxygen saturation test performed at rest, during exercise, or during sleep.

4. Name and address of the physician/provider performing the most recent arterial blood gas PO^2 and/or oxygen saturation test.

5. If ordering portable oxygen, information regarding the patient's mobility within the home.

6. Identification of the highest oxygen flow rate (in liters per minute) prescribed.

7. If the prescribed liters per minute (LPM), as identified in item 6, are greater than 4 LPM, provide the results and date of the most recent arterial blood gas PO^2 and/or oxygen saturation test taken on 4 LPM.

If the PO^2 = 56–59, or the oxygen saturation = 89%, then evidence of the beneficiary meeting at least one of the following criteria must be provided.

8. The patient having dependent edema due to congestive heart failure.

9. The patient having cor pulmonale or pulmonary hypertension, as documented by pulmonale on an EKG or by an echocardiogram, gated blood pool scan or direct pulmonary artery pressure measurement.

10. The patient having a hematocrit greater than 56%.

Form HCFA–484 obtains all pertinent information and promotes national consistency in coverage determinations.;

Frequency: Other (as needed);

Affected Public: Business or other for-profit, and Federal Government;

Number of Respondents: 500,000;
Total Annual Responses: 500,000;
Total Annual Hours: 50,000.

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: June 15, 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. 99–18008 Filed 7–14–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–278]

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: New Collection;

Title of Information Collection: National Hospital Malpractice Insurance Survey;

Form No.: HCFA–R–278 (OMB# 0938–NEW);

Use: The Data collected from this survey will be used to collect two years of malpractice insurance costs data from a nationally representative sample of 800 hospitals. Along with the survey of hospitals, we will collect rate schedules from the commercial insurers and the offices of state insurance commissioners. As compared to the survey of hospitals which is a statistical sampling survey, the survey of the offices of state insurance commissioners and commercial insurance companies will not be a statistical sampling survey. We will match collected data in the rate schedules to the data from sampled hospitals in order to convert malpractice insurance costs of different level of coverage into costs of a constant level of coverage. The primary statistics will be used to rebase the input price index through weight adjustment and the annual percent change to update the operating prospective payment rates. Therefore, the NHMIS must allow estimates of the primary statistics for each hospital be adjusted by their rating basis, coverage elements, and types of coverage. The survey results will be used to estimate the weight of malpractice insurance costs in relation to goods and services hospitals purchase in order to furnish inpatient care and to calculate the malpractice insurance cost to change over time at the national level. The analytic results will be used to adjust Medicare operating reimbursement rates to Medicare participating hospitals and to prepare statistical summaries.

Frequency: Annually;
Affected Public: Not-for-profit institutions, Business or other for-profit, and State, Local, or Tribal Govt.;
Number of Respondents: 600;
Total Annual Responses: 600;
Total Annual Hours: 300.

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: June 28, 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. 99–18009 Filed 7–14–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–0254]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* National Medicare Education Program (NMEP) Community Survey of Medicare Beneficiaries; *Form No.:* HCFA–R–0254 (OMB# 0938–0738); *Use:* A survey of Medicare beneficiaries in six communities will be conducted in January 2000 and again in January 2001 to monitor the NMEP implementation. Beneficiaries in these same communities were interviewed in September 1998 and February 1999. This approach will gather information on changes in: awareness of Medicare+Choice expansions and options; knowledge about Medicare and the Medicare+Choice options; where

beneficiaries go to find more information; and whether they are aware of the many information resources available to them; and satisfaction with their information/knowledge; *Frequency:* Annually; *Affected Public:* Individuals or Households; *Number of Respondents:* 2,400; *Total Annual Responses:* 2,400; *Total Annual Hours:* 600.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: July 8, 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. 99–18078 Filed 7–14–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: June 1999

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of June 1999, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
Alvarez, Emperatriz ..... Miami, FL	07/20/1999
Alvarez, Manuel J ..... Atlanta, GA	07/20/1999
Anderson, Thomas R ..... Middleville, MI	07/20/1999
Barnes, James ..... Omaha, AR	07/20/1999
Bennett, Camelia Hunt ..... Fayetteville, NC	07/20/1999
Bolin, Royce Lendal ..... Conway, AR	07/20/1999
Burton, Leslie M ..... Randolph, VT	07/20/1999
Caceres, Rolando ..... Miramar, FL	07/20/1999
Caceres, Silvia ..... Miramar, FL	07/20/1999
Cannon, Jerri Lynn ..... Chowchilla, CA	07/20/1999
Carideo, IDA ..... Wayside, NJ	07/20/1999
Daniel, Linda ..... Decatur, GA	07/20/1999
Davis, Anthony A ..... Decatur, GA	07/20/1999
Dawson, Robert ..... Forestville, MD	07/20/1999
Dekorte, Garth ..... Lansing, MI	07/20/1999
Delgado, Jorge ..... Miami, FL	07/20/1999
Delgado, Linda ..... Miami, FL	07/20/1999
Fletcher, James E ..... Riverdale, GA	07/20/1999
Gardner, Lorna Fay ..... Grand Prairie, TX	07/20/1999
Grossman, Norman Stanley ..... Malibu, CA	07/20/1999
Hicks, Ingrid ..... Milwaukee, WI	07/20/1999
Higgins, Gina ..... Hialeah, FL	07/20/1999
Hogue, Alina Malisa ..... Winston-Salem, NC	07/20/1999
Kabinoff, Larry's. Rydal, PA	
Kim, John Don ..... Irvine, CA	07/20/1999
Lindley, Frank A ..... Philadelphia, PA	07/20/1999
Mack, Ann ..... Decatur, GA	07/20/1999
Makarem, Anis Hussein ..... Westlake, CA	07/20/1999
May, Samuel ..... Washington, DC	07/20/1999
McCoy, Gary K ..... Atlanta, GA	07/20/1999
Mehta, Ravindra S ..... Coral Springs, FL	07/20/1999
Metro Med Ambulette, Inc ..... E Rockaway, NY	07/20/1999
Michkovits, John F ..... South Haven, MI	07/20/1999
Morris, Brenda Sue ..... Rancho Cordova, CA	07/20/1999
Nguyen, Hoang Mau ..... San Diego, CA	07/20/1999
Nguyen, Dat Tat ..... San Diego, CA	07/20/1999
Nguyen, Dung My Thi ..... San Diego, CA	07/20/1999
Norton, Robert G ..... Barrington, RI	07/20/1999
Paez, Armando ..... Miami, FL	07/20/1999
Perez, Barbara ..... Miami, FL	07/20/1999
Perez, Ramiro ..... Miami, FL	07/20/1999
Professional Case Management ..... Lansing, MI	07/20/1999
Revis, Harley ..... Sapulpa, OK	07/20/1999
Rode, Ruth ..... Grand Junction, MI	07/20/1999
Rollins, Bonnie J ..... Glendive, MT	07/20/1999
Rollins, Keith Anthony ..... Scarborough, ME	07/20/1999
Sardinas, Maria J ..... Hialeah, FL	07/20/1999
Schiller, Marcelos S ..... Miami, FL	07/20/1999
Seawell, Paul Darrell ..... El Paso, TX	07/20/1999
Smith, Garland O ..... Robeline, LA	07/20/1999
Stacy, Marcia ..... Charlevoix, MI	07/20/1999
Tablada, Luis H Jr ..... Miramar, FL	07/20/1999
Triplett, Ronald Lee ..... Wheelwright, KY	07/20/1999
Triplett, Anna Jean ..... Faubush, KY	07/20/1999
Tucker, Karen E ..... Marlton, NJ	07/20/1999
Valdes, Nelson ..... Coleman, FL	07/20/1999
Varela, Guido ..... N Bay Village, FL	07/20/1999
Varela, Natalia ..... Tampa, FL	07/20/1999
Vasquez, Noriela ..... Miami, FL	07/20/1999
Vasquez, Jesus ..... Miami, FL	07/20/1999
Veksler, Natalya ..... Marblehead, MA	07/20/1999
Watson, Donnie W ..... El Segundo, CA	07/20/1999
We Care Living Enrichment Ctr Saginaw, MI	07/20/1999
Williams, Marijane ..... Quapaw, OK	07/20/1999
Wisdom, Regina Renee ..... N Little Rock, AR	07/20/1999
Yedidsion, David	07/20/1999

Subject city, state	Effective date
Sheridan, OR	
FELONY COVICTIONS FOR HEALTH CARE FRAUD	
Lombardo, Mount Franklin Chickasaw, AL	07/20/1999
FELONY CONTROL SUBSTANCE CONVICTIONS	
Fairley, James T Gulph Mills, PA	07/20/1999
Hitchon, Kimberly Ann Quakertown, PA	07/20/1999
Mammarelli, Denise Doyle Norwood, PA	07/20/1999
McCauley, Kevin T Costa Mesa, CA	07/20/1999
PATIENT ABUSE/NEGLECT CONVICTIONS	
Bailey, Anna M Tacoma, WA	07/20/1999
Barys, Kristine Renea Strongsville, OH	07/20/1999
Baslow, Linda S Middlebury, VT	07/20/1999
Bryan, Happie R Zanesvile, OH	07/20/1999
Bustamante, Delfido Albuquerque, NM	07/20/1999
Cakora, Lonaya Mountain Home, AR	07/20/1999
Daniels, Kelly T Lawton, OK	07/20/1999
Davis, Ronald J Bristol, RI	07/20/1999
Dellefratt, Paula A Providence, RI	07/20/1999
Dill, Stacy Don Eucha, OK	07/20/1999
Dunbar, Roy Thomas Baxter Sprints, KS	07/20/1999
Eidt, James D Jr Marks, MS	07/20/1999
Ferger, Claude Dean Spokane, WA	07/20/1999
Gomez, Sherry Lynn Denver, CO	07/20/1999
Goodin, John A Higginsville, MO	07/20/1999
Greenwald, Charles Alan Grand Coteau, LA	07/20/1999
Hall, Janice M Oklahoma City, OK	07/20/1999
Knox, Shirley M Heath Springs, SC	07/20/1999
Law, William Everett Huntsville, TN	07/20/1999
Leonardo, Robert Anthony Noel, MO	07/20/1999
Moss, Kristi Lee Madill, OK	07/20/1999
Nelson, Carita Ware Shoals, SC	07/20/1999
Ramirez, Miguel Pena Denver, CO	07/20/1999
Revis, Deborah Clinton, NC	07/20/1999
Riley, Andrea Shuntae Little Rock, AR	07/20/1999
Shine, Carrie Bell Homer, LA	07/20/1999
Silva, Larry Gilbert Denver, CO	07/20/1999
Stiller, Ernest William, Jr Three Oaks, MI	07/20/1999
Todd, Vernesia A Waterloo, SC	07/20/1999
Walker, Jeffery Wallace Oklahoma City, OK	07/20/1999
Walker, Latessa Cleveland, OH	07/20/1999
Wallace, Scott Lynn, MA	07/20/1999
Warren, Valerie Oakwood Village, OH	07/20/1999
Wilson, Matteal M Delhi, LA	07/20/1999
CONVICTION FOR HEALTH CARE FRAUD	
Clark, Patricia Ann Church Point, LA	07/20/1999
Cruz, Tracy Dawn Tuscon, AZ	07/20/1999
Hancock, Laurie Marie Littleton, CO	07/20/1999
Jones, Mary Ann Lafayette, LA	07/20/1999
Phillips, Kenya Lee New Orleans, LA	07/20/1999
LICENSE REVOCATION/SUSPENSION/ SURRENDERED	
Abel, Elizabeth Denver, CO	07/20/1999
Anderson, William J Dayton, ME	07/20/1999
Bales, Michelle Renee Woodland, CA	07/20/1999
Barnwell, Joyce A Piedmont, AL	07/20/1999
Barton, Sylvia Madge Richmond, VA	07/20/1999
Barton, Tracy Yvette Los Banos, CA	07/20/1999
Beeny, Patricia L Nathalie, VA	07/20/1999
Bhatt, Kiran Anaheim, CA	07/20/1999
Blake, Paula B Wake, VA	07/20/1999
Brenot, Darlene Venango, PA	07/20/1999
Cardinelli, Georgia Reno, NV	07/20/1999
Cook, Rebecca A Cedar Rapids, IA	07/20/1999
Cook, Elmer E Phoenix, MD	07/20/1999
Cooper, Catherine A Orwigsburg, PA	07/20/1999
Davis, Betth H Vernon Hill, VA	07/20/1999
Donnini, Richard M Centerville, OH	07/20/1999
Dugas, Jean E Sacramento, CA	07/20/1999
Eisaman, Lynette J Irwin, PA	07/20/1999
Esper, James M Erie, PA	07/20/1999
Faust, Wanda Grove Calera, AL	07/20/1999
Formigoni, David P Annville, PA	07/20/1999
Gass, Neil D Roswell, GA	07/20/1999
Gedge, Veronica Sarnia Ontario	07/20/1999
Geissler, Kelly Betters W Homestead, PA	07/20/1999
Graff, Sally A Kittanning, PA	07/20/1999
Gregg, Kim M Moneta, VA	07/20/1999
Grosch, Renee Heeter Clarendon, PA	07/20/1999
Guyne, Samuel Keith Anderson, CA	07/20/1999
Harter, Claire A Alger, OH	07/20/1999
Hastings, Ronald L Salem, IL	07/20/1999
Hayes, Betty Jean Van Nuys, CA	07/20/1999
Herman, Michael L Canfield, OH	07/20/1999
Hill, Dana S Providence, RI	07/20/1999
Hill, Teresa Biloxi, MS	07/20/1999
Hobart, Sandra Newport News, VA	07/20/1999
Hooper, Linda Anderson, IN	07/20/1999
Isaacs, Tanya Ann Yorktown, VA	07/20/1999
Ishie, Archie Pascagoula, MS	07/20/1999
Jasper, Lee Charles Palo Cedro, CA	07/20/1999
Johnson, Katherine S Waynesboro, VA	07/20/1999
Johnson, Joyce L Norfolk, VA	07/20/1999
Kelly, Eugene W Jr Alexandria, VA	07/20/1999
Kirby, Robert Joseph Bensalem, PA	07/20/1999
Kroplesky, Tamara L Honey Brook, PA	07/20/1999
Lee, Margaret Donithan Winston Salem, VA	07/20/1999
Love, Cecelia P Oak Park, IL	07/20/1999
Lucas, Darla R Hannibal, MO	07/20/1999
Luchsinger, Patrick J Hoopeston, IL	07/20/1999
Luckey, Robert Carne Richland, WA	07/20/1999
Lynn, Kristin Zierle Cogan Station, PA	07/20/1999
MacArthur, Kimberly Raean Quartz Hill, CA	07/20/1999
Mann, Valerie E Norfolk, VA	07/20/1999
Martin, Elizabeth A Lexington, VA	07/20/1999
Martinez, Elisa Ann Indio, CA	07/20/1999
Mashburn, Holly Lynnett Muscle Shoals, AL	07/20/1999
McDonald, Anna Maria San Luis Obispo, CA	07/20/1999
Metz, Max	07/20/1999

Subject city, state	Effective date
San Diego, CA	
Mleczko, Krystine J ..... Chicago, IL	07/20/1999
Monguia, Albert Ureno ..... San Bernardino, CA	07/20/1999
Montgomery, Ola ..... Chicago, IL	07/20/1999
Morton, Arllin James ..... San Bernardino, CA	07/20/1999
Nguyen, Hai Van ..... San Leandro, CA	07/20/1999
Nunnally, Ronald Hembree ..... Gordon, AL	07/20/1999
Orton, Randall K ..... San Diego, CA	07/20/1999
Ott, Mary J ..... Pittsburgh, PA	07/20/1999
Ovington, Diane ..... Thayer, IL	07/20/1999
Pace, Tracy Thomas ..... Lititz, PA	07/20/1999
Pathak, Nirmal Endu ..... Montgomery, AL	07/20/1999
Peck, Barry L ..... Altoona, PA	07/20/1999
Perciful, Michael David ..... Mt Vernon, OH	07/20/1999
Pollard, Karen M ..... Manassas, VA	07/20/1999
Prokopowicz, David Stanley ..... San Diego, CA	07/20/1999
Richards, Mark R ..... Upland, CA	07/20/1999
Roberts, Donald Lee ..... Las Vegas, NV	07/20/1999
Rogers, Douglas D ..... Tuscaloosa, AL	07/20/1999
Rosporski, Janice ..... Pittsburgh, PA	07/20/1999
Sabatine, John William ..... Ozark, AL	07/20/1999
Sanchez, Barbara Vernell ..... Baldwin Park, CA	07/20/1999
Schlachter, Kaye Frances ..... Sandusky, OH	07/20/1999
Schmidt, Aurel Z Jr ..... Garfield, NJ	07/20/1999
Scott, Terry Grimm ..... Dover, PA	07/20/1999
Sellers, Patricia A ..... W Chester, PA	07/20/1999
Silvers, Aracely Santos ..... Palmdale, CA	07/20/1999
Smith, Edythe Jeanne ..... San Francisco, CA	07/20/1999
Smith, Scott Don ..... Westwood, CA	07/20/1999
Stetar, Diane ..... N Versailles, PA	07/20/1999
Streib, Homer F ..... Bonita, CA	07/20/1999
Styles, Joann ..... Portsmouth, VA	07/20/1999
Taylor, Teresa Ann ..... Los Angeles, CA	07/20/1999
Taylor, Claire Lynn ..... Portsmouth, VA	07/20/1999
Thacker, Nancy S ..... Broadnax, VA	07/20/1999
Thomas-McCauley, Tina Marie Oklahoma City, OK	07/20/1999
Tran, Hong Thuy ..... Palmdale, CA	07/20/1999
Trynoski, Donna Marie ..... Stafford, VA	07/20/1999
Uruchurtu, Richard A ..... Yuma, AZ	07/20/1999
Waldrop, Janie C ..... Moulton, AL	07/20/1999
Walsh, Barbara ..... Natrona Hgts, PA	07/20/1999
Weert, Barbara E ..... Oak Forest, IL	07/20/1999
Wiley, Stacey S ..... Rancho Mirage, CA	07/20/1999
Willis, Charlene L ..... Beloit, WI	07/20/1999
Winslow, Roger Dee Sr ..... Sonoma, CA	07/20/1999
Woods, Charles A Jr ..... Philadelphia, PA	07/20/1999
Yisrael, Yaakova ..... Chicago, IL	07/20/1999
FEDERAL/STATE EXCLUSION/ SUSPENSION	
Caldwell, Earl N ..... Chicago, IL	07/20/1999
Howell, Joe Frank ..... Prattville, AL	07/20/1999
Kim, Young ..... Chicago, IL	07/20/1999
Lim, Camilla ..... Willowbrook, IL	07/20/1999
Musa, Mahmoud Nimir ..... Toledo, OH	07/20/1999
Rodriguez, Jose ..... Chicago, IL	07/20/1999
Yeom, Yang ..... Prospect Hgts, IL	07/20/1999
FRAUD/KICKBACKS	
Dreskin, Oscar Herman ..... Cincinnati, OH	09/17/1999
Indigo Rehab Center ..... Georgetown, SC	03/05/1999
Jones, Deborah C Bass ..... Georgetown, SC	03/05/1999
OWNED/CONTROLLED BY CONVICTED/ EXCLUDED	
Aloha Home II ..... Grans Pass, OR	07/20/1999
BBC Health Inc ..... Miami Lakes, FL	07/20/1999
Curative Care ..... Miami Lakes, FL	07/20/1999
Dade Medical Billing Services .. Miami, FL	07/20/1999
Deidre J Little Chiropractic ..... Solana Beach, CA	07/20/1999
DeKalb Referrals, Inc ..... Atlanta, GA	07/20/1999
DJ and Associates, Inc ..... Miami, FL	07/20/1999
Emerald City Chiropractic ..... Seattle, WA	07/20/1999
Family Foot Specialists, Ltd ..... Hayes, VA	07/20/1999
Future Care Corp ..... Hialeah, FL	07/20/1999
GAV Health Care Corp ..... Miami, FL	07/20/1999
General Health Care of FL, Inc Miami Lakes, FL	07/20/1999
Genesis Advocacy Program ..... Beaumont, TX	07/20/1999
George Referral, Inc ..... Decatur, GA	07/20/1999
Jermany & Associates ..... Baltimore, MD	07/20/1999
Joseph Haeckel Chiropractic .... Gilroy, CA	07/20/1999
Leader Health Care Corp ..... Hialeah, FL	07/20/1999
Life Health Care, Inc ..... Miami Lakes, FL	07/20/1999
McAn's City Link, Inc ..... Decatur, GA	07/20/1999
Neway Health Care Corp ..... Hialeah, FL	07/20/1999
Oak Cliff Imaging Center ..... Denton, TX	07/20/1999
Prime Care, Inc ..... Miami, FL	07/20/1999
Ravin Mehta, DDS, PA ..... Lauderhill, FL	07/20/1999
Remephy Medical Supplies ..... Miami, FL	07/20/1999
Stormin Transportation, Inc ..... Decatur, GA	07/20/1999
The Aloha Home, Inc ..... Grants Pass, OR	07/20/1999
The Human Resource Inc Concept ..... Atlanta, GA	07/20/1999
Todd Kaufmann Chiropractic .... Corte Madera, CA	07/20/1999
Ulta Plus Health Care ..... Miami, FL	07/20/1999
DEFAULT ON HEAL LOAN	
Belka, John C ..... Telluride, CO	07/20/1999
Born, Thomas J ..... Atlanta, GA	07/20/1999
Farkas, Larry R ..... Bergenfield, NJ	07/20/1999
Koris, Kenneth L ..... Femont, NE	07/20/1999
Lane, Craig R ..... Baltimore, MD	07/20/1999
MacKay, Douglass S ..... Loma Linda, CA	07/20/1999
Mills, Randell ..... Malvern, PA	07/20/1999
Pryharski, Lareen A ..... Jefferson, LA	07/20/1999
VoBoril, William, R Jr ..... Carlisle, IA	07/20/1999
Worsham, Cynthia, A ..... High Springs, FL	07/20/1999
Zywocinski, Cynthia A ..... Lancaster, MA	07/20/1999

Dated: July 2, 1999.

Joanne Lanahan,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 99–18006 Filed 7–14–99; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel, Engineered Isogenic Cell Lines with Relevant Cancer Targets.

Date: July 30, 1999.

Time: 1:00 PM to 2:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Blvd. 6th Floor, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherwood Githens, PhD, Scientific Review Administrator, National Institutes of Health, National Cancer Institute, Special Review, Referral and Resources Branch, Executive Plaza North, 6130 Executive Boulevard, Bethesda, MD 20892, 301/435–9050.

(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: July 7, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–18063 Filed 7–14–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel; Clinical Drug Analysis of Anticancer Agent.

Date: August 9, 1999.

Time: 2:30 PM to 5:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Harvey Stein, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard, Rockville, MD 20892, 301–496–7481.

(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: July 7, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–18064 Filed 7–14–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 14, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John R. Lymangrover, PhD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: July 7, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–18061 Filed 7–14–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel Phase II Next Generation Internet (NGI) Contract Proposals.

Date: July 19–20, 1999.

Time: July 19, 1999, 8:30 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Time: July 20, 1999, 8:30 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine Board Room, Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Paul A Fontelo, BS, MD, MPH, Special Expert, High Performance Computing & Communications, Lister Hill Nat'l Ctr for Biomed Communications, National Library of Medicine, 8600 Rockville Pike, Bldg 38A, RM B1N30P, Bethesda, MD 20894.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 7, 1999.

Laverne Y. Stringfield,

Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–18062 Filed 7–14–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4445–N–18]

Notice of Proposed Information Collection: Comment Request; Budget-Based Rent Increase

AGENCY: Office of the Assistant Secretary for Housing, 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 this subject proposal.

DATES: Comments Due Date: September 13, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Veronica Lewis, Office of Multifamily Housing Programs, Office of Business Products, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–2866 (this is not a toll free number) or copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting 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 agencies concerning the proposed collection of information 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 the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Budget-based Rent Increase.

OMB Control Number, if applicable: 2502–0324.

Description of the need for the information and proposed use: The Budget Worksheet allows certain owners of multifamily hosing projects to plan for expected increases in expenditures. Those owners are required to submit the Budget Worksheet when requesting a rent increase. The Department of Housing and Urban Development uses the Budget Worksheet as a tool for determining the reasonableness of expense increases.

Agency form numbers, if applicable: HUD–92547–A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 12,500, frequency of responses is once a year, annual reporting hours are 15 minutes for project bookkeepers, and 1 hour for project managers for a total annual burden of 15,625 hours.

Status of the proposed information collection: Reinstatement without change.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 9, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–17980 Filed 7–14–99; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–32]

Submission for OMB Review: Request for Proposals—Contract Administrators for Project-Based Section 8 Housing Assistance Contract

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: This request for OMB approval seeks clearance for information collections related to HUD's Request for Proposals-Contract Administrators for Project-Based Section 8 Housing Assistance Payment Contracts Request. Under this Request, HUD will select contract administrators to provide contract administration services for project-based Section 8 Housing Assistance Payment contract currently being administered directly by HUD staff.

DATES: *Comments due date:* August 16, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0528) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the

description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 9, 1999.

David S. Cristy,

Director, Information Technology Capital Planning Staff.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Request for Proposals—Contract Administrators for Project-Based Section 8 Housing Assistance Contracts.

Office: Housing.

OMB Approval Number: 2502–0528.

Description of the Need for the Information and Its Proposed Use: The requested information is needed for HUD's selection of contract administrators to provide contract administration services for project-based Section 8 Housing Assistance Payments (HAPS) contracts currently being administered directly by HUD.

Form Number: None.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Recordkeeping.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	250		10		600		5,000

Total Estimated Burden Hours: 5,600.

Status: Reinstatement without changes.

Contact: Marc Harris and Nick Hluchyj, HUD, (202) 708–0216; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 99–18067 Filed 7–14–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Water and Science; Central Utah Project Completion Act; Notice of Intent To Negotiate Agreements Among the Central Utah Water Conservancy District, Sanpete Water Conservancy District, Sanpete County, and Department of the Interior for Implementation of Projects in Sanpete County, UT

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of intent to negotiate agreements among the Central Utah Water Conservancy District (CUWCD), Sanpete Water Conservancy District (SWCD), Sanpete County, and the Department of the Interior for implementation of Projects in Sanpete County, Utah.

SUMMARY: Public Law 102–575, section 206(a)(1) provides: ''After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.'' Sanpete County desires to pursue local water development projects and is requesting a rebate of a portion of the ad valorem taxes it has paid to CUWCD, plus interest, to provide the required 35 percent local funding for such projects and a Federal grant of up to 65 percent of the total costs as authorized by section 206(b)(1) of CUPCA.

In a letter dated October 7, 1996, Sanpete County requested federal funding, as set forth in section 206(b)(1), to implement the projects. Section 206(b)(1) states: ''Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).''

Sanpete County is located within the Sevier River Basin in Central Utah. The main stem of the Sevier River passes through Sanpete County west of the towns of Centerfield and Gunnison. Four major canals divert water from the Sevier River and serve lands in Sanpete County '' Piute, Gunnison-Fayette, Dover, and Westview. The SWCD was formed to assist Sanpete County in developing, managing, and conserving its water resources. The SWCD has proposed to develop a county-wide water resources master plan to collect and summarize current water resource information so that the SWCD can easily assess and prioritize the County's water resource needs. SWCD has also proposed to develop a secondary water system for the community of Centerfield, Sanpete County, Utah. Two agreements will be negotiated. One to provide funding for the Master Plan and another for the Centerfield water system.

DATES: Dates for public negotiation sessions will be announced in local newspapers.

FOR FURTHER INFORMATION: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below: Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606–6154; Telephone: (801) 379–1237; Internet: rmurray@uc.usbr.gov.

Dated: July 8, 1999.

Ronald Johnston,

CUP Program Director, Department of the Interior.

[FR Doc. 99–18022 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Comprehensive Conservation Plan and Environmental Assessment for Fort Niobrara National Wildlife Refuge and Draft Comprehensive Conservation Plan and Environmental Assessment for Valentine National Wildlife Refuge, Valentine, NE

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the Fort Niobrara Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment and the Valentine National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. These Plans describes how the FWS intends to manage both the Fort Niobrara and Valentine NWRs for the next 10–15 years.

ADDRESSES: A copy of either of the Plans may be obtained by writing to U.S. Fish and Wildlife Service, Fort Niobrara/Valentine NWR Complex, HC 14, Box 67, Valentine, NE 69201.

The Plans can also be obtained electronically through the U.S. Fish and Wildlife Service Region 6 Land Acquisition and Refuge Planning HomePage. The Internet address to access the Plans is as follows: http://www.r6.fws.gov/larp. Follow the link to ''CCP Status in Region 6,'' click on Nebraska on the Region 6 map, and look under the ''Refuge'' column for links to both the Fort Niobrara and Valentine Draft CCPs.

FOR FURTHER INFORMATION CONTACT: Bernardo Garza, U.S. Fish and Wildlife Service, P.O. Box 25486 DFG, Denver, CO 80225, 303/236–8145 extension 672; fax 303/236–4792.

SUPPLEMENTARY INFORMATION: For Niobrara and Valentine NWRs are located in north central Nebraska. These Plans and their supporting documents outline a vision for the management of each of these Refuges and specify how one of the largest contiguous blocks of federally owned Nebraska Sandhills grass-stabilized regions can be managed to conserve indigenous wildlife and provide enjoyment to people. Opportunities for compatible wildlife-dependent recreation will continue to be provided.

The comment period for these documents will be reopened until August 19, 1999. All comments need to be addressed to: Bernardo Garza, Fish and Wildlife Biologist, Land Acquisition and Refuge Planning, U.S. Fish and Wildlife Service, P.O. Box 25486 DFC, Denver, Colorado 80225.

Dated: July 9, 1999.

Terry T. Terrell,

Regional Director, Denver, Colorado.

[FR Doc. 99–18020 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposed information collection described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192, telephone (703) 648–7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;
2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Public knowledge and perception of Black Tailed Prairie Dogs in the Midwest region of the United States.

OMB Approval No: New collection.

Abstract: The ability to identify knowledge gaps in the public's understanding of the issues concerning Black-tailed Prairie Dog (*Cynomys ludovicianus*) is necessary while conservation efforts involving this species are in the early planning stages. The object of this study is to provide information that is needed to understand the complexities of wildlife/human interactions and current land use and management practices. Any additional information about this species can provide data that can help determine if the species needs to be included on the Federal list of threatened and endangered wildlife and plants. As a result of rapidly declining populations, increased pressure to develop habitats, and controversies about disease vectors associated with prairie dog communities attention has focused in the past few years on the status of this species. The issue of listing Prairie Dog as threatened or endangered species has become a very important subject for fish and wildlife managers, political leaders, and community groups in a 10 state area of the Midwest (Texas, New Mexico, Colorado, Arizona, Utah, Montana, Wyoming, North Dakota, South Dakota and Nebraska). Although the subject has achieved wide attention, no studies have been conducted that evaluate public knowledge, perception, or economic value of prairie dog communities and management practices in these area. Understanding public knowledge, perception, and values is a vital component of wildlife management. Improved understanding will guide future management practices.

Bureau Form No: None.

Frequency: One time.

Description of Respondents: Individual or households.

Estimated Completion Time: 12 minutes per respondent (approximate).

Number of Respondents: 2880 (3,600 mail surveys).

Burden hours: 576 hours. (the burden estimates are based on 12 minutes to complete each questionnaire and an 80% return rate.)

All comments concerning this notice should be addressed to Berton Lee Lamb, Supervisory Administrative Analyst, 970–226–9314; or Phadrea Ponds, Wildlife Biologist, 970–226–9445, U.S. Geological Survey, Biological Resources Division, Social, Economic and Institutional Analysis Section, 4512 McMurry Avenue, Fort Collins, CO 80525–3400.

For Additional Information Please Contact: Phadrea Ponds, (970) 226–9445, phadrea____ponds@usgs.gov

Bureau clearance officer: John Cordyack (703) 648–7313.

Dated: July 21, 1999.

Dennis B. Fenn,

Chief Biologist.

[FR Doc. 99–18080 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–932–1430–01; COC–60906]

Public Land Order No. 7399; Withdrawal of Public Lands for Recreation Sites; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 129.80 acres of public lands from surface entry and mining for 20 years for the Bureau of Land Management to protect three recreation sites with developed facilities. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not the mineral leasing laws, to protect three Bureau of Land Management recreation sites with developed facilities:

Sixth Principal Meridian

Mud Springs Recreation Site

T. 13 S., R. 102 W.,
Sec. 24, S½NW¼SE¼ and N½SW¼SE¼.

Dominguez Recreation Site

T. 15 S., R. 100 W.,
Sec. 15, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.

Miracle Rock Recreation Site

T. 12 S., R. 103 W.,
Sec. 26, West 10 chains of lot 3, and that portion of the SE¼SW¼ within acquired parcel C–832;
Sec. 35, West 10 chains of lot 2, and that portion of the NE¼NW¼ within acquired parcel C–832.

The areas described aggregate 129.80 acres in Mesa County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land and Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: July 1, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–18083 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–01; MTM 023270, et al.]

Public Land Order No. 7400; Partial Revocation of Executive Order Dated July 12, 1911, Secretarial Order Dated March 18, 1918, and Public Land Order No. 2760; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order, a Secretarial order, and a public land order (PLO) insofar as they affect 801.64 acres of public lands withdrawn for the Bureau of Land Management's Reservoir Site Reserve No. 4 and Stock Driveway No. 11, Montana 1, and the Bureau of Reclamation's Missouri River Basin Project. The lands are no longer needed for these purposes and the revocations are needed to permit disposal of the lands through exchange. The lands are temporarily closed to surface entry and mining due to pending land exchange proposals. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2949.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. a. The Executive order dated July 12, 1911, which withdrew public lands for the Bureau of Land Management's Reservoir Site Reserve No. 4, is hereby revoked insofar as it affects the following-described lands:

Principal Meridian, Montana

T. 14 S., R. 4 W.,
Sec. 5, SE¼SW¼;
Sec. 7, SE¼NE¼;
Sec. 8, SW¼NE¼ and N½S½.

The area described contains 280 acres in Beaverhead County.

b. The Secretarial order dated March 18, 1918, which withdrew public land for the Bureau of Land Management's Stock Driveway No. 11, Montana No. 1, is hereby revoked insofar as it affects the following-described land:

Principal Meridian, Montana

T. 8 S., R. 7 W.,
Sec. 23, SE¼;
Sec. 26, E½.

The area described contains 480 acres in Madison County.

c. PLO No. 2760, which withdrew public lands for the Bureau of Reclamation's East Bench Unit of the Pick-Sloan Missouri River Basin Reclamation Project, is hereby revoked insofar as it affects the following-described land:

Principal Meridian, Montana

T. 5 S., R. 6 W.,
Sec. 6, lot 1.

The area described contains 41.64 acres in Madison County.

2. The lands described in paragraph 1(a), 1(b), and 1(c) are hereby made available for exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (1994).

Dated: July 1, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–18081 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–030–1010–00–IDI–16438–02]

Notice of Realty Action (NORA), Direct Sale of Public Land in Bingham County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action (NORA), Direct Sale of Public Land in Bingham County, Idaho.

NOTICE: The following described lands in Bingham County have been examined and found suitable for classification and direct sale to the Cedar Hills Gun Club under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Cedar Hills Gun Club currently holds a lease on the land for a shooting range but desires to gain patent to the land. The land would continue to be used for non-profit shooting range purposes.

Boise Meridian

T. 01 S., R. 35 E.
Section 25: NE¼, E½NW¼, NE¼SW¼, W½SE¼.
Containing 360 acres, more or less.

The lands under lease are not needed for other federal purposes. Conversion of the Cedar Hills Gun Club's lease to a patent is consistent with current BLM

land use planning and would be in the public interest.

The patent, when issued, would be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations issued by the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed under authority of the Act of August 30, 1980.

3. A mineral reservation of all minerals to the United States together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401.

The subject public lands were segregated from all appropriations, including location under the mining laws, except for leasing under the mineral leasing laws and leasing under the Recreation and Public Purposes Act (R&PP), on July 29, 1980. Upon publication of this notice in the **Federal Register**, the lands will be classified for conveyance under the R&PP Act and will continue to be segregated from the general mining laws as noted above. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed conveyance or classification of the lands to Joe Kraayenbrink, Area Manager, Idaho Falls Field Office, at the address noted above.

Any adverse comments submitted as a result of this notice will be reviewed by the BLM Area Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: July 1, 1999.

Joe Kraayenbrink,

Area Manager.

[FR Doc. 99–18085 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–66–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–00] ES–50265, Group 160, Wisconsin

Notice of Filing of Plat of Survey; Wisconsin, Stay Lifted

On Thursday, May 27, 1999 there was published in the **Federal Register**, Volume 64, Number 102, on page 28833 a notice entitled ''Notice of Filing of Plat of Survey; Wisconsin, Stayed''. Said notice referenced the stay of the plat of the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines, and the subdivision of sections 7 and 18, in Township 35 North, Range 15 West, of the 4th Principal Meridian, Wisconsin, accepted March 30, 1999.

Consideration of all questions regarding technical aspects of the survey have been made, and the plat of survey accepted March 30, 1999, was officially filed in Eastern States Office, Springfield, Virginia, at 7:30 a.m. on June 29, 1999.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: June 28, 1999.

Stephen G. Kopach,

Chief, Cadastral Surveyor.

[FR Doc. 99–18011 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–GJ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930–4214–010; COC–63080]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 24,000 acres of National Forest System land for 20 years to protect the Wahatoya Recreation Area. This notice closes this land to location and entry under the mining laws for up to two years. The land remains open to mineral leasing.

DATES: Comments on this proposed withdrawal must be received on or before October 13, 1999.

ADDRESSES: Comments should be sent to the Colorado State Director, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239–3706.

SUPPLEMENTARY INFORMATION: On June 21, 1999, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. Ch 2), subject to valid existing rights;

Sixth Principal Meridian

San Isabel National Forest

T. 30 S., R. 67 W.,
Sec. 19, lots 1 thru 4, inclusive, E½and E½ W½;
Sec. 20. S½S½;
Sec. 21. S½S½;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1 thru 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 thru 4, inclusive, E½ and E½W½;
Sec. 32, all;
Sec. 33, all.

T. 30 S., R. 68 W.,
Sec. 24, all;
Sec. 25, all;
Sec. 26, S½N½ and S½;
Sec. 31, lots 2, 3, 4, E½ and E½W½;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 31 S., R. 67 W.,
Sec. 5, lots 1 thru 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 thru 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1 and 2, NE¼ and E½NW¼;
Sec. 8, N½.

T. 31 S., R. 68 W.,
Sec. 1, lots 1 thru 8, inclusive, and S½;
Sec. 2, lots 1 thru 8, inclusive, and S½;
Sec. 3, lots 1 thru 12, inclusive, and S½;
Sec. 4, lots 1 thru 12, inclusive, and S½;
Sec. 5, lots 1 thru 12, inclusive, and S½;
Sec. 6, lots 1, 2, 3, 5 thru 14, inclusive, E½SW¼, and SE¼;
Sec. 7, lots 1 thru 4, inclusive, E½W½ and E½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 15, NW¼;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, lots 1 and 2, E½NW½ and NE¼.

T. 31 S., R. 69 W.,
Sec. 1, lots 9, 10, and S½;
Sec. 2, lots 1 thru 12, inclusive, and S½;
Sec. 11, N½ and N½S½;
Sec. 12, all;
Sec. 13, N½.

The area described contains approximately 24,103.27 acres of National Forest System land in Huerfano and Las Animas Counties.

The purpose of this withdrawal is to protect the area's outstanding scenic and recreational values.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal, may present their views in writing to the Colorado State Director. A public meeting will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2). Notice of the time and

place of the meeting will be published in the **Federal Register**.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2310.

For a period of two years from the date of publication in the **Federal Register**, this land will be segregated from the mining laws as specified above, unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 99–18084 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, California

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of availability of supplement to a Draft Programmatic Environmental Impact Statement (DPEIS).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended), the Bureau of Reclamation (Reclamation) has prepared a supplement to the DPEIS for the Central Valley Project Improvement Act (CVPIA). The original DPEIS was released for public review on November 7, 1997, and numerous comments addressing a wide range of issues were received on the document. Reclamation is preparing this supplement in response to a general group of comments received on the DPEIS. These comments addressed an inconsistency that was discovered in the Project Simulation Model (PROSIM) hydrology shortly before the DPEIS was completed.

DATES: Public comments on the supplement to the DPEIS should be submitted on or before September 13, 1999.

Public information forums and public hearings have been arranged. The dates for these forums and hearings are listed in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Written comments on the supplement to the DPEIS should be addressed to Mr. Alan Candlish, Bureau of Reclamation, 2800 Cottage Way, MP–120, Sacramento, CA 95825. Requests for a copy of the supplement to the DPEIS should be addressed to Ms. Alisha Sterud, Bureau of Reclamation, 2800 Cottage Way, MP–120, Sacramento, CA 95825, telephone: (916) 978–5190.

See **SUPPLEMENTARY INFORMATION** section for addresses of public information forums and public hearings. Copies of the supplement to the DPEIS are available for public inspection and review in libraries in the project area, and at the following locations:

- Bureau of Reclamation, Office of Policy, Room 7456, 1849 C Street NW, Washington, DC 20240; telephone: (202) 208–4662.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225; telephone: (303) 236–6963.
- Bureau of Reclamation, Public Affairs Office, 2800 Cottage Way, Sacramento, CA 95825–1898; telephone: (916) 978–5100.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW, Main Interior Building, Washington, DC 20240–0001.

FOR FURTHER INFORMATION CONTACT: If requesting copies of the DPEIS, please contact Ms. Alisha Sterud at the address above, or by telephone at (916) 978–5190. For additional information contact Mr. Alan Candlish at the address above, or by telephone at (916) 978–5197.

SUPPLEMENTARY INFORMATION:

Locations and Dates for Public Information Forums

- July 20, 1999, at 7 p.m. at the Elks Lodge, 355 Gilmore Road, Red Bluff, California.
- July 21, 1999, at 7 p.m. at the Ramada Inn, 13070 South Highway 33 (at Interstate 5), Los Banos, California.
- July 22, 1999, at 3 p.m. at Expo Inn, 1413 Howe Avenue, Sacramento, California.

Locations and Dates for Public Hearings

- August 17, 1999, at 7 p.m. at Elks Lodge, 355 Gilmore Road, Red Bluff, California.
- August 18, 1999, at 7 p.m. at Ramada Inn, 1370 South Highway 33 (at Interstate 5), Los Banos, California.
- August 19, 1999, at 3 p.m. at the Expo Inn, 1413 Howe Avenue, Sacramento, California.

Dated: July 7, 1999.

Robert F. Stackhouse,

Acting Deputy Regional Director.

[FR Doc. 99–18034 Filed 7–14–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 19, 1999 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–393–396 and 731–TA–829–840 (Preliminary)(Certain Cold-Rolled Steel Products from Argentina, Brazil, China, Indonesia, Japan, Russia, Slovakia, South Africa, Taiwan, Thailand, Turkey, and Venezuela)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 19, 1999. The Commission will transmit its opinions to the Secretary of Commerce on July 26, 1999.)
5. Outstanding action jackets:

(1.) Document No. EC–99–012: Approval of final report in Inv. No. 332–403 (Assessment of the Economic Effects on the United States of China's Accession to the WTO).

(2.) Document No. GC–99–057: Regarding Inv. No. 337–TA–412 (Certain Video Graphics Display Controllers and Products Containing Same).

(3.) Document No. GC–99–065: Regarding Inv. No. 337–TA–380 (Certain Agricultural Tractors Under 50 Power Take-Off Horsepower) (Enforcement Proceeding).

(4.) Document No. GC–99–066: Regarding Inv. No. 731–TA–752 (Final) (Crawfish Tail Meat from China).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued July 8, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18136 Filed 7–12–99; 4:51 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, the Department of Justice gives

notice that a proposed consent decree in the case captioned *United States* v. *Cuyahoga Management Corporation, et al.,* Civil Action No. IP97–1599C Y/S (S.D. Ind.), was lodged with the United States District Court for the Southern District of Indiana on June 30, 1999. The proposed consent decree relates to the Ingram-Richardson Superfund Site and the Augustus-Hook Superfund Site, both located near Frankfort in Clinton County, Indiana. The proposed consent decree would resolve certain civil claims of the United States for recovery of past response costs under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607, against all seven defendants in the pending litigation concerning the two Sites, namely Cuyahoga Management Corporation; John B. Hook; Albert A. Augustus; Edward P. Cawley; Hook Associates; 815 Realty, Inc.; and Augustus & Hook Associates (f/k/a Chester Associates). The proposed consent decree would require the seven Settling Defendants to pay the United States a total of $2.75 million ($1419 million for the Ingram-Richardson Site and $1.331 million for the Augustus-Hook Site)

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resource Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Cuyahoga Management Corporation, et al.,* Civil Action No. IP97–1599C Y/S (S.D. Ind.) and DOJ Reference Nos. 90–11–2–1202 and 90–11–3–06374.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Southern District of Indiana, United States Courthouse—Fifth Floor, 46 E. Ohio Street, Indianapolis, IN 46204 (contact Harold R. Bickham (317–226–6333)); (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Karen L. Peaceman (312–353–5751)); and (3) the U.S. Department of Justice, Environment and Natural Resources Division Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005 (202–624–0892). Copies of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting copies, please refer to the referenced case and DOJ Reference Numbers and enclose a check for $11.75 (47 pages at 25 cents per page reproduction cost), made payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–18089 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree

In accordance with 28 CFR 50.7(b), notice is hereby given that proposed Consent Decree in *United States* v. *Equus Farms, Inc.,* Civil Action No. 99–WM–1215 (D. Colo.), was lodged with the United States District Court for the District of Colorado on June 29, 1999. Final approval of the proposed Consent Decree is subject to the requirements of 28 CFR 50.7.

In this case, the Untied States filed suit against Equus Farms, Inc. and The Anschutz Corporation for alleged violations of Clean Water Act section 301 and 404. The Complaint states that the defendants discharged dredged or fill material into waters of the United States at a site near the town of Masters, Colorado, without a permit issued by the United States Army Corps of Engineers.

The United States and the defendants have reached agreement on the terms of a proposed consent Decree. Under the proposed settlement, the defendants would perform restoration and mitigation, and pay a civil penalty.

The Department of Justice will receive written comments on the proposed Consent Decree or a period of 30 days from the date of publication of this notice. Comments should be addressed to Joshua E. Swift, Trial Attorney, U.S. Department of Justice, Environment & Natural Resources Division, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026, and refer to *United States* v. *Equus Farms, Inc.,* Civil Action No. 99–WM–1215 (D. Colo.), DJ# 90–5–1–1–05453.

The proposed Concent Decree may be examined at the Clerk's Office, United States District Court for the District of Colorado, 1929 Stout Street, Room C–145, Denver, Colorado (303) 844–3433).

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 99–18091 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Pursuant to the Clean Air Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on June 28, 1999, a Complaint and a proposed Consent Decree in *United States* v. *Lion Oil Company,* (W.D. AK) (Civil No. 99–1080), were lodged with the U.S. District Court for the Western District of Arkansas, El Dorado Division. The United States filed its Complaint in this action simultaneously with the Consent Decree, on behalf of the Environmental Protection Agency (''EPA'') pursuant to section 113 of the Clean Air Act, 42 U.S.C. 7413. The Complaint seeks injunctive relief and civil penalties for violations of the Clean Air Act (''CAA'' or ''the Act'') and regulations promulgated thereunder at Lion Oil's refinery in El Dorado, Arkansas.

The Complaint alleged that Lion Oil Company violated numerous testing, reporting and emission minimization requirements of the CAA's New Source Performance Standards (''NSPS''), 40 CFR part 60, Subparts A, Kb, J, VV and GGG, promulgated under section 111 of the CAA 42 U.S.C. 7411. The violations stemmed primarily from Oil's failure to conduct required tests of various units at the refinery. Because Lion Oil never conducted the tests, the company also violated notification and reporting requirements under the Act and implementing regulations.

Under the terms of the settlement, Lion Oil will pay a $90,000 civil penalty and will perform three Supplemental Environmental Projects (''SEPs'') at an estimated cost to the company of $687,635 and with a demonstrated aggregate net present value under the Decree of $311,364.50. The SEPs involve water conservation reuse measures that will greatly reduce Lion Oil's draw on the local qualifer, which is the sole source of drinking water in the area, as well as minimize the discharge of thermal pollution in the El Dorado community.

Lion Oil's satification of all the requirements of the Decree will constitute a full settlement of the violations alleged in the United States' Complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer

to *United States* v. *Lion Oil Company,* D.J. ref. 90–5–2–1–06064.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Arkansas, El Dorado Division, 6th & Rogers Avenue, Isass C. Parker Federal Building, Room 216, Fort Smith, Arkansas, 72901, and at the Consent Decree Library, 1120 G. Street, NW, 3rd Floor, Washington, DC 20005. A copy of the proposed Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $5.00 ($0.25 per page for reproduction costs) payable to: Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 99–18087 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under The Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Under 28 CFR 50.7, notice is hereby given that on June 16, 1999, a proposed consent decree (''Consent Decree'') in *United States* v. *Meydenbauer Development Co.,* Civil Action No. 2:98–CS–00147 WFN was lodged with the United States District Court for the Eastern District of Washington.

In this action, the United States sought to recover costs incurred and to be incurred in response to the release of hazardous substances at the Deaconess Hospital Superfund Site in Chelan County, Washington (''Site'') pursuant to 42 U.S.C. 9607(a). The Consent Decree requires Defendants Meydenbauer Development Co. and M. Tyrone Morgan to pay to the EPA Hazardous Substance Superfund $5,000 in reimbursement of the United States past response costs. The settlement amount is based upon the Defendants ability to pay. In exchange, the United States will grant the Defendants a covenant not to sue pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for past response costs incurred by the United States. The Defendants also will receive contribution protection for the United States' past response costs pursuant to section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Meydenbauer Development Co.,* Civ. No. 2:98–CS–00147 WFN (E.D. Wash.), DJ No. 90–11–2–1365.

The Consent Decree may be examined at the Office of the United States Attorney, 300 United States Courthouse, Spokane, WA 99210–1494, at U.S. EPA Region X, 1200 Sixth Ave., Seattle, WA 98101, and at the Consent Decree Liberty, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check payable to the Consent Decree Library in the amount of $5.25.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–18092 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that on June 29, 1999, a proposed Consent Decree in *United States* v. *Robert Neal* Civil Action No. 1: 99–0264–08 was lodged with the United States District Court for the District of South Carolina. The Consent Decree represents a settlement with one of the potential responsible parties listed in the Amended Complaint for violations of Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607. Under the Consent Decree, Robert Neal has agreed to pay the United States $300.000. This Consent Decree represents the second settlement to be lodged with the Court regarding the Clearwater Finishing Superfund Site. The United States has incurred approximately $1,182,000.00. The Amended Complaint names two additional parties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Robert Neal,* D.J. Ref. Number 90–11–3–06135.

The proposed Consent Decree may be examined at the Office of the United States Attorney, for the District of South Carolina, First Union Building, 1441 Main Street, Suite 500, Columbia, South Carolina 29201, at U.S. EPA Region IV, 61 Forsyth Street, Atlanta, Georgia 30303, and at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $4.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–18093 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that separate consent decrees were lodged in *U.S.* v. *Nevada Cogeneration Associates, #1, et al.,* Civil Action No. CV–S–99–00107–PMP (D. Nev.) on June 29, 1999, with the United States District Court for the District of Nevada. The case is a civil action under section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b), for violation of provisions of the Act and of the regulations for Prevention of Significant Deterioration (''PSD'') that require owners and operators of any new stationary source to install and operate Best Available Control Technology (''BACT'') to control emissions of relevant air pollutants.

The violations of the PDS regulations involved construction and operation of five gas turbines at two facilities near Las Vegas, Nevada, on which Defendants failed to install and operate BACT.

The Complaint in the civil action seeks injunctive relief to ensure future compliance with the PSD regulations. Under the consent decrees, the defendants will install and operate selective catalytic reduction units ''(SCRs'') to control emissions of oxides of nitrogen (''NO_X''). After retrofitting the turbines with SCRs, each defendant is required to operate the emissions control equipment specified by its consent decree in compliance with the

Clean Air Act and its consent decree and is required to obtain necessary revised authority to construct permits from the Clark County Health District for the SCRs. In addition the defendants will pay a civil penalty of $200,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Nevada Cogeneration Associates #1, et al.,* DOJ No. 90–5–2–1–2130.

The proposed consent decrees may be examined at the office of the United States Attorney, District of Nevada, 701 East Bridger Avenue, Suite 800, Las Vegas 8910; at the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of any of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005. In requesting a copy the consent decree in *United States* v. *Nevada Cogeneration Associates, #1, et al.,* please refer to that case and DOJ No. 90–5–2–1–2130 and enclose a check in the amount of $7.50 (25 cents per page reproduction costs). Your check should be payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–18090 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Degree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 1, 1999, the United States filed a proposed Consent Decree in *United States* v. *Waste Management Disposal Services of Pennsylvania, Inc.,* Civ. Action No. 99CV3351 (E.D. Pa.), in the United States District Court for the Eastern District of Pennsylvania.

The United States' claims resolved by the Decree are described in a Complaint filed contemporaneously with the Decree, and pertain to the Elizabethtown Landfill Superfund Site in Lancaster County, Pennsylvania. The Complaint seeks: (1) An injunction, pursuant to section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9606(a), to implement EPA's Record of Decision for the Site, (2) the recovery of EPA's past costs under Section 107 of CERCLA, 42 U.S.C. 9607; and (3) a declaratory judgment on the Defendants' liability for future costs under Section 113(g)(2) of CERCLA.

The Consent Decree resolves the United States' claims against the current owner of the Site, Waste Management Disposal Services of Pennsylvania, Inc., and other Defendants namely AMP, Inc., Furnvial Machinery Company, New Standard Corporation, and Wyeth-Ayerst Laboratories (collectively, the ''Settling Defendants''), who allegedly sent materials containing hazardous substances to the Elizabethtown Site. The Decree requires the Settling Defendants to perform the Remedial Design and Remedial Actions necessary to implement EPA's Record of Decision, and to reimburse EPA for some of its past and future costs. In return, the Settling Defendants will obtain: (1) Protection from contribution actions by other responsible parties; (2) covenants not to sue from the United States; (3) forgiveness of almost $1 million of EPA past costs; (4) roughly $1.1 million in preauthorized mixed funding from EPA; and (5) roughly $781,000 of the funds collected by EPA to date from other settlements with parties contributing only small amounts of hazardous substances to the Site. The Decree is also based on the EPA's 1995 Model RD/RA consent decree.

EPA estimates the remedy to be implemented by the Settling Defendants will cost roughly $26 million. The Consent Degree and EPA's Record of Decision provide, however, that the Settling Defendants may not have to implement ground water and surface water treatment portion of the remedy if they can demonstrate to EPA that the groundwater and surface water cleanup levels can be met, within a reasonable time, without such treatment. This contingent remedy is estimated to cost no more than $16 million. The Settling Defendants have also agreed to immediately begin the remedial design work called for in the Record of Decision, pursuant to an Administrative Order on Consent.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Waste Management Disposal Services of Pennsylvania, Inc.,* DOJ Ref. 90–11–2–1097A.

The proposed consent decree may be examined at either U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, or the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $26.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc 99–18086 Filed 7–14–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska

This notice announces a change in benefit period eligibility under the EB Program for Alaska.

Summary: The following change has occurred since the publication of the last notice regarding the State's EB status:

- July 3, 1999—Alaska's 13-week insured unemployment rate for the week ending June 12, 1999 fell below 6.0 percent and was less than 120 percent of the average for the corresponding period for the prior two years, causing Alaska to trigger ''off'' EB effective July 3, 1999.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State ending an EB period, the State employment security agency will furnish a written notice to each individual who is currently filing a claim for EB of the forthcoming end of the EB period and its effect on the

individual's rights to EB (20 CFR 615.13(c)(4)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the programs, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on July 6, 1999.

Raymond Bramucci,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 99–18004 Filed 7–14–99; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend Without Revision, a Current Information Collection

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 64 FR 18639 (April 15, 1999), and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to : Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to splimpto@nsf.gov.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

DATES: Comments regarding this information collection are best assured of having their full effect if received on or before August 16, 1999. Copies of the submission(s) may be obtained by calling 703–306–1125 X 2017.

FOR FURTHER INFORMATION OR COMMENTS ADDITIONAL CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 306–1125 X 2017; or send email to splimpto@nsf.gov. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: Fellowship Applications and Award Forms.

OMB Approval Number: 3145–0023.

Type of Request: Intent to seek approval to extend without revision, an information collection for three years.

Abstract: Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1861 *et seq.*), as amended, states that ''The Foundation is authorized to award, within the limits of funds made available * * * scholarships and graduate fellowships for scientific study or scientific work in the mathematical physical, medical, biological, engineering, social, and other sciences at appropriate nonprofit American or nonprofit foreign institutions selected by the recipient of such aid, for stated periods of time.''

The Foundation Fellowship Programs are designed to meet the following objectives:

- To assure that some of the Nation's most talented students in the sciences obtain the education necessary to become creative and productive scientific researchers.
- To train or upgrade advanced scientific personnel to enhance their abilities as teachers and researchers.
- To promote graduate education in the sciences, mathematics, and engineering at institutions that have traditionally served ethnic minorities.
- To encourage pursuit of advanced science degrees by students who are members of ethnic groups traditionally under-represented in the Nation's advanced science personnel pool.

The list of fellowship award programs sponsored by the Foundation includes, but may not be limited to, the following:

NSF Graduate Research Fellowships

- NSF Graduate Research Fellowships Including Women in Engineering and Computer and Information Science Awards (NSF 98–143).
- NSF–NATO Postdoctoral Fellowships in Science and Engineering Including Special Fellowship Opportunities for Visiting Scientists from NATO Partner Countries (NSF 98–149).
- NSF Postdoctoral Fellowships in Science, Mathematics, Engineering, and Technology Education (NSF 99–17).
- Minority Postdoctoral Research Fellowships and Supporting Activities (NSF 94–133).
- Postdoctoral Research Fellowships in Biological Informatics (NSF 98–162—electronic dissemination only).
- International Research Fellow Awards.
- Mid-Career Methodological Opportunities (NSF 99–33—electronic dissemination only).
- Mathematical Sciences Postdoctoral Research Fellowships (w/Research Instructorship option).
- Mathematical Sciences University/Industry Postdoctoral Research Fellowships.
- Japan Society for the Promotion of Science Postdoctorals Awards for U.S. Researchers.
- Science and Technology Agency of Japan Postdoctoral Awards for U.S. Researchers.
- Ridge Interdisciplinary Global Experiments Postdoctoral Research Fellowships.
- CISE Postdoctoral Research Associates in Experimental Computer Science (NSF 97–169).
- NSF Earth Sciences Postdoctoral Research Fellowships.

Estimate of Burden: These are annual award programs with application deadlines varying according to the fellowship program. Public burden may also vary according to program, however it is estimated that each submission is averaged to be 12 hours per respondent.

Respondents: Individuals.

Estimated Number of Responses: 13,000.

Estimated Total Annual Burden on Respondents: 156,000 hours.

Frequency of Responses: Annually.

Dated: July 9, 1999.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc. 99–18016 Filed 7–14–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development, Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–473, as amended), the National Science Foundation announces the following meeting:

Name: Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development (5270).

Date/Time: July 19 (3:00–5:00 pm) July 20–Public Hearing (8:00 am–5:00 pm) and July 21, 1999 (8:30–11:30 am).

Place: National Science Foundation, Room 1235, 4201 Wilson Blvd., Arlington, VA, 22230.

Type of Meeting: Open.

Contact Person: Kay Rison, Executive Secretary, CAWMSET, National Science Foundation, 4201 Wilson Blvd., Arlington, VA, 22230. Phone (703) 306–1004.

Minutes: May be obtained from the Executive Secretary at the above address.

Purpose of Meeting: CAWSET was established by Congress on October 14, 1998 to research and recommend ways to improved the recruitment, retention, and representation of women, minorities, and persons with disabilities in science, engineering and technology education and employment. The Public Hearing will serve to inform the Commission of best practices for recruiting, developing, utilizing, promoting, and retaining women, members of racial and ethnic minority groups traditionally underrepresented in the SET enterprise, and persons with disabilities.

Agenda

Monday, July 19

3:00–5:00 p.m.
Preparation for Public Hearing

Tuesday, July 20—Public Hearing

8:00 a.m.
Welcome—Rita R. Colwell, Director, National Science Foundation

8:00 a.m.
Keynote speaker: Martha A. Krebs, Director, Office of Science, U.S. Department of Energy ''Women in Science and Technology: The President's Interagency Council on Women''

9:00 a.m.
Panel 1: SET Recruitment and Hiring Initiatives

10:00 a.m.
Panel 2: SET Education and Career Development

11:00 a.m.
Public Comment

12:35 p.m.
Keynote speaker: Kenneth J. Disken, Vice President, Human Resources, Electronics Sector, Lockheed Martin Corporation

1:50 p.m.
Panel 3: Utilization of SET Students and Professionals

2:50 p.m.
Panel 4: Advancement of Individuals in Science, Engineering, and Technology

4:00 p.m.
Topic 5: Retention Initiatives in SET Education and Employment

5:00 p.m.
Public Comment

Wednesday, July 21

8:30–11:30 a.m.
Follow up for Public Hearing

Dated: July 9, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–18014 Filed 7–14–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–528, STN 50–529 and STN 50–530]

Arizona Public Service Company, (Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3); Exemption

I

Arizona Public Service Company (the licensee) is the holder of Facility Operating License Nos. NPF–41, NPF–51, and NPF–74, which authorize operation of Palo Verde Nuclear Generating Station (Palo Verde), Unit Nos. 1, 2, and 3. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities consist of three pressurized water reactors located at the licensee's site in Maricopa County, Arizona.

II

Section 50.71 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Maintenance of records, making of reports,'' paragraph (e)(4) states, in part, that ''Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months.'' The three Palo Verde units share a common UFSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after a refueling outage for each unit.

III

Section 50.12(a) of 10 CFR, ''Specific exemptions,'' states that

> The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are:
>
> (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.
>
> (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule....'' The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility; but the rule did not provide for multiple unit facilities sharing a common FSAR. Rather, the Commission stated that ''With respect to...multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case by case basis'' (57 FR 39355 (1992)).

By letter dated June 9, 1998, as supplemented December 21, 1998, the licensee requested an exemption from the requirements of 10 CFR 50.71(e)(4) to allow revisions to the UFSAR, changes to the quality assurance program made in accordance with 10 CFR 50.54(a)(3), and reports of changes, tests, and experiments made in accordance with 10 CFR 50.59(b)(2) to be submitted to the Commission on a 24-month periodicity.

As noted in the staff's safety evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the Palo Verde UFSAR and quality assurance program will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Revising the UFSAR annually or 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule.

Accordingly, the Commission has determined that special circumstances

are present as defined in 10 CFR 50.12(a)(2)(ii).

IV

The Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Arizona Public Service Company an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Palo Verde UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Palo Verde UFSAR, the quality assurance program, and the 10 CFR 50.59 safety evaluation summary reports to the NRC no later than 24 months from the previous revision.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (64 FR 36410).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 8th day of July 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing and Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–18057 Filed 7–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Nuclear Plant, Units 3 and 4; Confirmatory Order Modifying License Effective Immediately

I

Florida Power and Light Company (FPL or the Licensee) is the holder of Facility Operating Licenses, Nos. DPR–31 and DPR–41, which authorize operation of Turkey Point, Units 3 and 4, located in Dade County, Florida.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC, the Commision) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter 92–08, ''Thermo-Lag 330–1 Fire Barriers'' and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

FPL was one of the licensees with which the NRC staff held meetings. Based on the information submitted by FPL in its December 9, 1998, letter, the NRC staff has concluded that the schedules presented by FPL are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that FPL is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by FPL must be completed in accordance with current FPL schedules. By letter dated January 29, 1999, the NRC staff notified FPL of its plan to incorporate FPL's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated February 8, 1999, as modified by letter dated May 27, 1999, the Licensee provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of February 8, 1998, as modified by letter dated May 27, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in the February 8, 1999 letter, as modified by letter dated May 27, 1999, be confirmed by this Order. The Licensee has agreed to this action by letter dated May 27, 1999. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered*, effective immediately, that:

FPL shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at Turkey Point Plant, Units 3 and 4, described in the FPL submittal to the NRC dated December 9, 1998, by December 31, 2001.

The resolution of any new Thermo-Lag corrective actions resulting from a potential Fire Protection Functional Inspection or the on-going Fire Protection Functional Inspection Self-Assessment at Turkey Point Units 3 and 4, are not considered part of this confirmatory order.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region II, Atlanta Federal Center, M/S 23T85, 61 Forsyth Street, SW, Atlanta, GA 30303–3415 and to the Licensee. If such a person requests a hearing, that person

shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland, this 9th day of July 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–18058 Filed 7–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–42 issued to Wolf Creek Nuclear Operating Corporation (the licensee) for operation of the Wolf Creek Generating Station (WCGS) located in Coffey County, Kansas.

The proposed amendment request dated June 30, 1999, would revise Technical Specification (TS) 3/4.7.5 of the current TSs by adding a temporary action statement that would allow the plant to operate for up to 12 hours with an inlet temperature up to but less than 95 degrees F. The current TS limit is 90 degrees F. This new action statement would be temporary in that it would be effective until September 30, 1999, after the summer. This action statement was added to the current TSs in Amendment 118 dated July 18, 1998, but it was only effective until September 30, 1998. Amendment 118 was issued because in 1998 the WCGS cooling lake that provides inlet water to the plant exceeded 89 degrees F and, due to predictions for continuing harsh meteorological conditions throughout the summer of 1998, the concern existed that the plant inlet temperature would exceed 90 degrees F and the plant would be forced to have an unnecessary shutdown. The licensee submitted a permanent change to TS 3/4.7.5 on January 12, 1999; however, the Commission considers this proposed change to be generic in nature and should be reviewed as a change to NUREG–1431, Standard Technical Specifications, Westinghouse Plants.'' NUREG–1431 is the standard for the Improved Technical Specifications that were issued for WCGS in Amendment 123 dated March 31, 1999. To allow the Commission sufficient time to review the generic change to NUREG–1431, the licensee was requested to resubmit the temporary change approved in Amendment 118 with the temporary change being effective until September 30, 1999, for the warm weather of this summer. This is the change submitted by the licensee on June 30, 1999.

The proposed change is only to the current TSs because the improved TSs issued in Amendment 123 will become effective after September 30, 1999, when this temporary change is no longer valid.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not involve any physical alteration of plant systems, structures or components. The proposed change provides an allowed time [12 hours] for the plant to continue operation with plant inlet water temperature in excess of the current technical specification limit of 90°F, but less than the design limit of 95°F for plant components. The plant inlet water temperature is not assumed to be an initiating condition of any accident analysis evaluated in the updated safety analysis report (USAR). Therefore, the allowance of a limited time for the water temperature to be in excess of the current limit does not involve an increase in the probability of an accident previously evaluated in the USAR. The UHS [ultimate heat sink] supports operability of safety related systems used to mitigate the consequences of an accident. Plant operation for brief periods with plant inlet water temperature greater than 90°F but less than 95°F will not adversely affect the operability of these safety-related systems and will not adversely impact the ability of these systems to perform their safety-related functions. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the USAR.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not involve any physical alteration of plant systems, structures or components. The temperature of the plant inlet water being greater than 90°F but less than 95°F for a short period [12 hours] does not introduce new failure mechanisms for systems, structures or components not already considered in the USAR. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. The proposed change does not involve a significant reduction in the margin of safety.

The proposed change will allow an increase in plant inlet water temperature above the current technical specification limit of 90°F for the Ultimate Heat Sink, and delay the requirement to shutdown the plant when the plant inlet water system temperature limit is exceeded for 12 hours. The proposed change does not alter any safety limits, limiting safety system settings, or limiting conditions for operation [except for TS 3/4.7.5], and the proposed temperature increase will remain below the design limit cooling water input value for safety-related equipment. Thus, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 16, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 30, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 8th day of July 1999.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–18056 Filed 7–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Pilot Program Evaluation Panel; Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 94–463, Stat. 770–776) the U.S. Nuclear Regulatory Commission (NRC) announced the establishment of the Pilot Program Evaluation Panel (PPEP). The PPEP will function as a management-level Oversight group to monitor and evaluate the success of the Commission's Reactor Oversight Process Improvements program. A Charter governing the PPEP functions as a Federal Advisory Committee was filed on June 30, 1999, after consultation with the Committee Management Secretariat, General Services Administration. The PPEP will hold its first meeting on July 28, 1999, in Conference Room T–2B1, Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland.

The PPEP meeting participants are listed below along with their affiliation:

Frank P. Gillespie—Nuclear Regulatory Commission
Mohan C. Thadani—Nuclear Regulatory Commission
James T. Wiggins—Nuclear Regulatory Commission
Bruce Mallet—Nuclear Regulatory Commission
Geoffrey Grant—Nuclear Regulatory Commission
Kenneth E. Brockman—Nuclear Regulatory Commission
James Lieberman—Nuclear Regulatory Commission
Steve Floyd—Nuclear Energy Institute
David Garchow—Public Service Electric and Gas
Masoud Bajestani—Tennessee Valley Authority
George Barnes—Commonwealth Edison Company
James Chase—Omaha Public Power District
Gary Wright—Illinois Department of Nuclear Safety
David Lochbaum—Union of Concerned Scientists

A tentative agenda of the meeting is outlined as follows:

9:00–9:30 a.m.	Introduction and opening remarks • Role of the Designated Federal Employee • Noticing requirements • Public participation
9:30–11:00 a.m.	Discuss conduct of panel and rules of operation • Frequency of meetings • Location of meetings • Formation of subcommittees • Distribution of transcripts and other information • Approach to report generation • Use of facilities
11:00 a.m.–12:00 n. ..	Staff presentation on how pilot data are being collected and analyzed
12:00 n.–1:00 p.m.	Lunch
1:00–2:00 p.m.	NEI Presentation on Industry evaluation efforts and what would be available to the Panel
2:00–3:00 p.m.	Panel discussion on need for any additional data or analyses
3:00 p.m.	Discussion and public presentations • Future invited speakers • Public's oral presentations
4:00 p.m.	Meeting Adjourned

Meetings of the PPEP are open to the members of the public. Formal procedures for the conduct of the Panel meetings will be developed during the July 28, 1999 meeting. In the interim, at the July 28, 1999, meeting, oral or written views may be presented by the members of the public, including members of the nuclear industry. Persons desiring to make oral statements should notify Mr. Frank P. Gillespie (Telephone 301/415–1004, e-mail FPG@nrc.gov) or Mr. Mohan C. Thadani (Telephone 301/415–1476, e-mail MCT@nrc.gov) five days prior to the meeting date, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras will be permitted during this meeting.

Further information regarding topics of discussion; whether the meeting has been canceled, rescheduled, or relocated; and the Panel Chairman's ruling regarding requests to present oral statements and time allotted, may be obtained by contacting Mr. Frank P. Gillespie or Mr. Mohan C. Thadani between 8:00 a.m. and 4:30 p.m. EDT.

PPEP meeting transcripts and meeting reports will be available from the Commission's Public Document Room. Transcripts will be placed on the agency's web page when a web site for PPEP is established.

Dated: July 9, 1999.

Andrew Bates,

Advisory Committee Management Officer.

[FR Doc. 99–18054 Filed 7–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Well Logging, Tracer, and Field Flood Study Licenses, Availability of Draft NUREG

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of availability and request for comments.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the availability of and requesting comments on draft NUREG–1556, Volume 14, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Well Logging, Tracer, and Field

Flood Study Licenses,'' dated May 1999. This draft NUREG report is the14th program-specific guidance document developed to support an improved material licensing process. NRC is using Business Process Redesign (BPR) techniques to redesign its material licensing process, as described in NUREG–1539, ''Methodology and Findings of the NRC's Materials Licensing Process Redesign.'' A critical element of the new process is consolidating and updating numerous guidance documents into a NUREG-series of reports.

This draft guide has been developed in parallel with the proposed revision of 10 CFR part 39, ''Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,'' published as a Proposed Rule on April 19, 1999 (64 FR 19089). Comments received in response to publication of this draft guidance will be considered in developing the final guide. Finalization of the guidance will continue to parallel the rulemaking resulting in a guidance document that is consistent with the final rule. It is intended for use by applicants, licensees, NRC license reviewers, and other NRC personnel.

This draft report takes a more risk-informed, performance-based approach to licensing of well logging, tracer, and field flood study operations, and reduces the information (amount and level of detail) needed to support an application to use these devices. Note that this document is strictly for public comment and is not for use in preparing or reviewing applications until it is published in final form.

DATES: The comment period ends September 13, 1999. Comments received after that time will be considered if practicable.

ADDRESSES: Submit written comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Hand-deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:15 a.m. and 4:30 p.m. on Federal workdays. Comments may also be submitted through the Internet by addressing electronic mail to dlm1@nrc.gov.

Those considering public comment may request a free single copy of draft NUREG–1556, Volume 14, by writing to the U.S. Nuclear Regulatory Commission, ATTN: Mrs. Sally L. Merchant, Mail Stop TWFN 9–F–31, Washington, DC 20555–0001. Alternatively, submit requests through the Internet by addressing electronic mail to slm2@nrc.gov. A copy of draft NUREG–1556, Volume 14, is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555–0001.

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Federal government's writing be in plain language. The NRC specifically requests comments on this licensing guidance NUREG regarding the clarity and effectiveness of the language used. Comments should be sent to the address listed above.

FOR FURTHER INFORMATION CONTACT: Mrs. Sally L. Merchant, Mail Stop TWFN 9–F–31, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–7874; electronic mail address: *slm2@nrc.gov*.

Electronic Access

Draft NUREG–1556, Vol. 14 is available electronically by visiting NRC's Home Page (http://www.nrc.gov/NRC/nucmat.html).

Dated at Rockville, Maryland, this 22nd day of June, 1999.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Acting Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 99–18055 Filed 7–14–99; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in July 1999. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in August 1999. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the third quarter (July through September) of 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in July 1999 is 5.13 percent (*i.e.*, 85 percent of the 6.04 percent yield figure for June 1999).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between August 1998 and July 1999.

For premium payment years beginning in:	The assumed interest rate is:
August 1998	4.83
September 1998	4.71
October 1998	4.42
November 1998	4.26
December 1998	4.46
January 1999	4.30

For premium payment years beginning in:	The assumed interest rate is:
February 1999	4.39
March 1999	4.56
April 1999	4.74
May 1999	4.72
June 1999	4.94
July 1999	5.13

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the third quarter (July through September) of 1999, as announced by the IRS, is 8 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From	Through	Interest rate (percent)
10/1/92	6/30/94	7
7/1/94	9/30/94	8
10/1/94	3/31/95	9
4/1/95	6/30/95	10
7/1/95	3/31/96	9
4/1/96	6/30/96	8
7/1/96	12/31/96	9
1/1/97	3/31/97	9
4/1/97	6/30/97	9
7/1/97	9/30/97	9
10/1/97	12/31/97	9
1/1/98	3/31/98	9
4/1/98	6/30/98	8
7/1/98	9/30/98	8
10/1/98	12/31/98	8
1/1/99	3/31/99	7
4/1/99	6/30/99	8
7/1/99	9/30/99	8

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the third quarter (July through September) of 1999 (*i.e.*, the rate reported for June 15, 1999) is 7.75 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From	Through	Rate (percent)
10/1/92	6/30/94	6.00
7/1/94	9/30/94	7.25
10/1/94	12/31/94	7.75
1/1/95	3/31/95	8.50
4/1/95	9/30/95	9.00
10/1/95	3/31/96	8.75
4/1/96	12/31/96	8.25
1/1/97	3/31/97	8.25
4/1/97	6/30/97	8.25
7/1/97	9/30/97	8.50
10/1/97	12/31/97	8.50
1/1/98	3/31/98	8.50
4/1/98	6/30/98	8.50
7/1/98	9/30/98	8.50
10/1/98	12/31/98	8.50
1/1/99	3/31/99	7.75
4/1/99	6/30/99	7.75
7/1/99	9/30/99	7.75

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in August 1999 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 8th day of July, 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–18033 Filed 7–14–99; 8:45 am]

BILLING CODE 7708–01–P

POSTAL SERVICE

Information-Based Indicia Program (IBIP) Performance Criteria for Information-Based Indicia and Security Architecture for Open IBI Postage Evidencing Systems (PCIBI–O)

AGENCY: Postal Service.

ACTION: Notice of availability of Performance Criteria, with request for comments.

SUMMARY: The Postal Service has compiled a revised draft functional Performance Criteria for open systems of the IBI program, as defined in this release. The current release contains the performance criteria for the Indicium, the Postal Security Device (PSD), the Host System, and the IBIP Key Infrastructure components of an open IBI system. The Postal Service also seeks comments on intellectual property issues raised by IBIP Performance Criteria, policy, and procedures if adopted in present form. If an intellectual property issue includes patents or patent applications covering any implementations of the Performance Criteria, the comment should include a listing of such patents and applications and the license terms available for such patents and applications.

ADDRESSES: Copies of the Performance Criteria noted above may be downloaded from the IBIP website at http://www.usps.com/ibip/welcome.htm, or obtained from Edmund Zelickman, United States Postal Service, 475 L'Enfant Plaza SW, Room 1P–801, Washington DC 20260–2444. Copies of all written comments may be inspected, by appointment, between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

DATES: All written comments must be received on or before September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Dan Lord, (202) 268–4599.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–18097 Filed 7–14–99; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41606; File No. SR–NASD–98–08]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change and Amendment No. 1 Thereto, and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change, by the National Association of Securities Dealers, Inc. Relating to Trade Reporting Rules

July 8, 1999.

I. Introduction

On February 2, 1998, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder. [2] Nasdaq filed Amendment No. 1 to the proposed rule change on May 19, 1998. [3] On June 5, 1998, the proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register.** [4] The Commission received one comment letter in response to the solicitation of comments. [5] On March 1, 1999, Nasdaq filed Amendment No. 2 to the proposed rule change. [6] For the reasons discussed below, the Commission is granting partial approval of the proposed rule change and Amendment No. 1 (as requested in Amendment No. 2), and accelerated approval of Amendment No. 2 to the proposed rule change.

II. Description of the Proposal

Nasdaq proposes to amend various trade reporting rules of the Association. Specifically the proposal would: (1) Implement a new trade report modifier to identify trades effected at a prior reference price; (2) eliminate the 10,000 share limitation on individual trades that may be ''bunched'' for trade reporting purposes; and (3) address riskless principal trades involving exchange-listed securities traded in the Third Market.[7]

A. New Modifier for Trades Based on Prior Reference Price

Recently, there have been situations where NASD members execute certain transactions that, although reported timely, actually relate to an obligation to trade that arose at an earlier point in the day or that refer to a prior reference price. These situations may include obligations to trade arising from a preferenced SelectNet order that was not executed timely, orders that are owed the opening or closing price (''market on open'' or ''market on close'') but that are not executed within 90 seconds of the open or close, respectively, and orders that may have been lost or misplaced. In effect, these trades are late executions, not late reports of executions. Nasdaq, therefore, proposes to implement a trade report modifier for firms to append to certain trade reports to more accurately identify transactions that are at a price which is based on a prior reference point in time. [8] The modifier would apply to trade reports in Nasdaq securities (both Nasdaq National Market and SmallCap) as well as non-Nasdaq OTC Equity Securities (*e.g.*, OTC Bulletin Board and Pink Sheets). The modifier would not, however, apply to exchange-listed securities traded in the Third Market.[9]

B. Eliminating the 10,000 Share Limitation on Aggregating Trades in Nasdaq Securities That May Be Bunched for Trade Reporting

Nasdaq proposes to eliminate the 10,000 share limitation on the maximum number of shares in an individual trade that can be aggregated for purposes of reporting a ''bunched'' trade in Nasdaq securities, but only in the context of IPOs.

Rules governing the reporting of transactions in Nasdaq securities (both National Market and SmallCap) currently permit the aggregation of transactions into a ''bunched'' trade report in a variety of situations. Most notably, there is a provision whereby a firm may aggregate transactions at the same price that would be impractical to report individually, provided that no individual order of 10,000 shares or more may be aggregated.[10] These reports have a ''.B'' modifier appended by the reporting firm and disseminated to the Nasdaq tape and vendors.

C. Trade Reporting Rules for Riskless Principal Trades in the Third Market

Nasdaq proposes to amend the trade reporting rules for exchange listed securities traded in the Third Market to ensure that all riskless principal trades, including those effected by market makers, are reported only once.[11]

Nasdaq believes that the exception applicable to non-market makers (which

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Robert E. Aber, Senior Vice President and General Counsel, The Nasdaq Stock Market, Inc., to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), SEC, May 13, 1998(''Amendment No. 1'').

[4] Securities Exchange Act Release No. 40047 (May 29, 1998), 63 FR 30791.

[5] The original filing proposed that every electronic communications network (''ECN'') be required to report all trades executed within the ECN on behalf of its subscribers. The Commission received one comment letter, which addressed the original filing's proposed ECN reporting requirements. *See* letter from Charles R. Hood, Senior Vice President and General Counsel, Instinet, to Jonathan Katz, Secretary, SEC, dated June 25, 1998.

[6] Letter from Robert Aber, Senior Vice President and General Counsel, Nasdaq, to Katherine England, Assistant Director, Division, SEC, March 1, 1999 ''(Amendment No. 2''). Amendment No. 2 requests that the Commission grant a partial approval of the original filing. Specifically, Amendment No. 2 requests approval of all the proposed changes in the original filing with the exception of the proposed ECN trade reporting requirements. Amendment No. 2 states that the NASD intends to submit a separate response to the Commission regarding the Instinet comment letter received on the proposed ECN trade reporting requirements.

[7] The text of the proposed rule change is in the form of an amendment to Rule 6420(d)(3)(B).

[8] The text of the proposed rule change to implement the new modifier is contained in NASD Rules 4632(a)(9), 4642(a)(9), 4652(a)(8), and 6620(a)(6).

[9] The NASD intends that the modifier would not apply to ''stopped'' stock situations. Moreover, by using the modifier, a member would not be absolved of its obligation to provide best execution, in terms of both price and timely execution. The modifier would not be required if the report was made within 90 seconds of the prior reference time.

[10] This rule was originally adopted in 1982 with a limitation of 5,000 shares. *See* Securities Exchange Act Release No. 18602 (March 26, 1982), 47 FR 14642 (April 5, 1982) (notice of filing and order granting accelerated approval of File No. SR–NASD–82–4). The rule was subsequently increased to 10,000 shares in 1984, but has remained at that level ever since. *See* Securities Exchange Act Release No. 21202 (August 3, 1984), 49 FR 31971 (August 9, 1984) (order approving File No. SR–NASD–84–12).

[11] In addition to the amendment to Rule 6420, Nasdaq proposes the corresponding interpretations:

(1) Nasdaq notes that a riskless principal trade generally is one that involves a conditional order rather than one immediately executable by the firm as principal. This condition may involve a customer order, the execution of which is dependent upon finding the other side, or a transaction dependent upon the execution of a part of the order placed with another firm or market; and

(2) Nasdaq notes that, in certain situations, a ''marker'' order may be a riskless principal trade. Marker orders, usually of nominal size, are used to trigger obligations to other orders the firm may be holding. Under the interpretation of a riskless principal trade, a marker order appears to merit riskless principal treatment for the size of the marker order. Nasdaq, however, believes that, given the purpose for which marker orders are used, the order need not be broken into two separate components to distinguish between a risk and riskless portion, provided, however, that the marker order is no larger than 10% of the size of an execution or group of executions that it would trigger. Nasdaq believes that the nominal size of the marker order does not, to any material extent, change the overall risk profile of the order.

treats riskless principal trades as one trade for reporting purposes) should be extended to market makers in exchange-listed stocks. For example, if a market maker in an exchange-listed security does not assume a risk position on an Intermarket Trading System (''ITS'') commitment sent to another market, the market maker should not be reprinting it in its own market when it receives confirmation of an execution on the commitment. The fact that the firm is a market maker is irrelevant. Nasdaq also believes that this analysis should apply to transactions that result from orders sent to the floor even when sent outside of the ITS linkage (*e.g.*, through a floor broker or other automated execution system of the exchange).

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations applicable to the NASD and, in particular, with the requirements of Section 15A(b)(6) of the Act.[12] Section 15A(b)(6) requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster, cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Most specifically, the Commission finds that this rule change will result in more accurate and reliable, information regarding last sale transaction reports consistent with the requirements of Section 15A(b)(6).

The Commission finds that requiring a separate identifier to accurately reflect ''out of sequence'' trades would provide better information to market participants and the public as to what these trades actually represent. The new modifier would inform the market that the price of the trade is based on an earlier reference point and may bear no relationship to the current market price. In addition, the Commission finds that the removal of the 10,000 share limitation for bunching on the first day of secondary market trading following an IPO will facilitate more efficient and timely reporting of large numbers of trades in the IP aftermarket.

The Commission agrees with the NASD that, for reporting purposes, it is appropriate to treat riskless principal trades as one trade. The Commission finds that discontinuing the distinction between market makers and non-market makers in the context of exchange-listed securities, and thus extending the riskless principal exception to market makers, will provide more accurate trade reporting.[13] The Commission believes that because this proposal would ensure that only one trade report results for transactions that are clearly one trade, transaction reports will be more accurate.

The Commission notes that Rule 10b–10 under the Act[14] requires a broker-dealer acting as market maker in a riskless principal transaction in an exchange-listed security to confirm to its customer the reported trade price, the price to the customer in the transaction, and the difference, if any, between the reported trade price and the price to the customer. Under Rule 10b–10, the broker-dealer is required to report, as the reported trade price, the price at which the security was reported to the tape when the member purchased the security for, or sold the security to, its customer. This requirement remains in effect regardless of the fact that there is no corresponding requirement in the NASD rules to report that second leg of a riskless principal transaction to the tape. For example, when a market maker receives an execution report from an exchange in a listed security, through ITS or otherwise, and completes a riskless principal transaction by filling a customer order, the market maker must conform to its customer the price of the transaction that was reported to the CTA by the exchange and any mark-up or mark-down charged by the market maker. A failure by a broker-dealer to confirm to its customer the price of the security that was reported to the tape would constitute a violation of Rule 10b–10.

The Commission finds good cause for approving Amendment No. 2 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing of this amendment in the **Federal Register**. Amendment No. 2 asks only that the Commission approve all of the proposed changes in the original filing and Amendment No.1, with the exception of the proposed ECN trade reporting requirements. Furthermore, Amendment No. 2 states that the NASD will submit a separate response to the Commission regarding the Instinet comment letter addressing the proposed ECN trade reporting requirements. The Commission does not believe that Amendment No. 2 raises any new regulatory issues. The original proposal and Amendment No. 1 were published for the full 21-day comment period, and the Commission received no comments on the proposal other than the Instinet letter addressing ECN trade reporting requirements. Accordingly, the Commission finds good cause, consistent with sections 15A(b)(6)[15] and 19(b)[16] of the Act, to approve Amendment No. 2 to the proposal on an accelerated basis.

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, section 15A(b)(6). In addition, in granting a partial approval of this rule change, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation.[17]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (SR–NASD–98–08) be, and hereby is, approved with the exception of the proposed amendment to Rule 4623 ''Electronic Communication Networks.''

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–18111 Filed 7–14–99; 8:45 am]

BILLING CODE 8010–01–M

[19] 17 CFR 200.30–3(a)(12).

[13] The Commission recently approved a proposed rule change to allow an NASD member acting as a market maker to report riskless principal transactions in Nasdaq securities as one transaction. *See* Securities Exchange Act Release No. 41208 (March 24, 1999), 64 FR 15386 (March 31, 1999).

[14] 17 CFR 240.10b–10.

[15] 15 U.S.C. 78o–3(b)(6).

[16] 15 U.S.C. 78(b).

[17] 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41598; File No. SR–NYSE–98–41]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment No. 1 to the Proposal Amending Opening Imbalance Publication Procedures for Expiration Days

July 6, 1999.

I. Introduction

On November 25, 1998, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its opening imbalance publication procedures for expiration days.[3] On March 22, 1999, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on May 11, 1999.[5] The Commission received no comments on the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

The Exchange currently utilizes auxiliary opening procedures on expiration days.[6] Currently, the auxiliary procedures require, among other things, that market order imbalances of 50,000 shares or more in stocks on the Exchange's ''special stock'' list [7] be published as soon as practicable after 9:00 a.m. on expiration days. The Exchange proposes to amend its auxiliary opening procedure requiring market order imbalance publication on expiration days by eliminating the use of the special stock list. The proposed rule change would require publication of market order imbalances for all stocks with imbalances of 50,000 shares or more. In addition, the proposal would permit the publication of market order imbalances of less than 50,000 shares upon floor official approval.[8]

III. Definition

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[9] In particular, the Commission finds the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act [10] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change expands the number of stocks for which opening market order imbalances must be published. The current procedures require that market order imbalances be published for stocks contained on the Exchange's special stock list. The proposal, however, requires that market order imbalances of 50,000 or more shares be published for all stocks. Moreover, market order imbalances of under 50,000 shares will be permitted to be published upon approval of a floor official.

The proposed rule change is consistent with the requirements of the Act because it should provide market participants with more complete information concerning market order imbalances in all stocks at the opening on expiration days. The expansion of the coverage of the market order imbalance publication procedure should help specialists attract order flow, which could minimize volatility and lead to more orderly openings on expiration days.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (SR–NYSE–98–41), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret M. McFarland,

Deputy Secretary.

[FR Doc. 99–18112 Filed 7–14–99; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''expiration day'' refers to the last business day prior to the expiration or settlement of derivative products.

[4] Letter from Donald Siemer, Director, Market Surveillance, NYSE, to Richard Strasser, Assistant Director, Division of Market Regulations, SEC, dated March 18, 1999 (''Amendment No. 1''). Amendment No. 1 clarified the Exchange's opening procedures for stocks underlying derivative index-related products on expiration days.

[5] Securities Exchange Act Release No. 41359 (May 3, 1999), 64 FR 25387.

[6] Modified opening procedures were first used on a pilot basis for the quarterly expiration on June 19, 1987. *See* Securities Exchange Act Release No. 24596 (June 16, 1987), 52 FR 23618 (June 23, 1987). These procedures were approved permanently in Securities Exchange Act Release No. 25804 (June 15, 1988), 53 FR 23474 (June 22, 1998) (File Nos. SR–NYSE–87–11) and SR–NYSE–88–04).

[7] The special stock list consists of the 50 most highly capitalized stocks in the S&P 500 Stock Price Index, any stocks in the Major Market Index (XMI) that are not among the 50, and the 10 most highly capitalized stocks in the S&P 400 MidCap Index. *See* Securities Exchange Act Release No. 31732 (January 14, 1993), 58 FR 6036 (January 25, 1993).

[8] The Exchange submitted a similar proposal eliminating the use of the special stock list for order imbalances published at the close and mandating that market-at-the-close (''MOC'') imbalances of 50,000 shares or more be published for all stocks on any trading day and permitting the publication of order imbalances under 50,000 shares upon floor official approval. *See* Securities Exchange Act Release No. 40094 (June 15, 1998), 63 FR 33975 (June 22, 1998); and NYSE Information Memo No. 98–20 (June 22, 1998).

[9] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

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 September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, SW, Suite 5000, Washington, DC 20416. Phone Number: 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: ''HUB Zone Empowerment Contracting Program Application.

Form No: 2103.

Description of Respondents: SBA Businesses Seeking Certification as a Qualified HUB Zone Small Business Concern.

Annual Responses: 20,000.

Annual Burden: 20,000.

Comments: Send all comments regarding this information collection to Michael McHale, Acting Associate Administrator, Office of HUB Zone, Small Business Administration, 409 3rd Street SW, Suite 8500, Washington, DC 20416. Phone No: 202–205–6731.

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.

Vanessa Piccioni,

Acting Chief, Administrative Information Branch.

[FR Doc. 99–17947 Filed 7–14–99; 8:45 am]

BILLING CODE 8025–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Pub. L. 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed at the end of this publication.

1. Permanent Residence in the United States Under Color of Law (PRUCOL)–0960–0451. Under Pub. L. 104–193, the Personal Responsibility and Work Opportunity Act of 1996, which was effective August 22, 1996, a noncitizen must be a ''qualified alien'' and meet certain additional requirements in order to be eligible for Supplemental Security Income (SSI). This law also established an exception to the new requirements for certain ''nonqualified'' aliens (i.e., noncitizens who are not ''qualified aliens'') to remain on the roles for a temporary period of time. Pub. L. 105–306, Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998, enacted October 28, 1998, provided that nonqualified aliens who were receiving SSI on August 22, 1996 would remain eligible for SSI as long as all other requirements for eligibility were met (e.g., income and resources, etc.). Title 20 § 416.1618 of the Code of Federal Regulations requires nonqualified aliens to give SSA certain evidence which proves that they are lawfully admitted to the United States in order to qualify for SSI benefits. PRUCOL aliens must present evidence of their status at the time of application for SSI benefits and periodically thereafter. The respondents are nonqualified aliens who apply for or receive SSI benefits.

Number of Respondents: 9,000.
Frequency of Response: Annually.
Average Burden Per Response: 5 minutes.
Estimated Annual Burden: 750 hours.

2. Application for Widow's or Widower's Insurance Benefits–0960–0004. The Social Security Administration (SSA) uses the information collected on Form SSA–10–BK to determine whether the applicant meets the statutory and regulatory conditions for entitlement to widow(er)'s benefits. The respondents are applicants for widow(er)'s benefits.

Number of Respondents: 288,850.
Frequency of Response: 1.
Average Burden Per Response: 15 minutes.
Estimated Annual Burden: 72,213 hours.

3. Request for Waiver of Overpayment Recovery or Change in Repayment Notice—0960–0037. Form SSA–632 collects information on the circumstances surrounding overpayment of Social Security Benefits to recipients. SSA uses the information to determine whether recovery of an overpayment amount can be waived or must be repaid and, if repaid, how recovery will be made. The respondents are recipients of Social Security, Medicare, Black Lung or Supplemental Security Income overpayments.

Number of Respondents: 500,000.
Frequency of Response: 1.
Average Burden Per Response: 120 minutes.
Estimated Annual Burden: 1,000,000 hours.

4. Voluntary Customer Surveys in Accordance with E.O. 12862 within the Social Security Administration—0960–0526. These voluntary customer surveys will be used to ascertain customer satisfaction with the Social Security Administration in terms of timeliness, appropriateness, access, and other measures of quality service. Surveys will involve individuals that are the direct or indirect beneficiaries of SSA services. The average burden per response for these activities is estimated to range from 5 minutes for a simple comment card to 2 hours for participation in a focus group.

FY 2000:
Number of Respondents: 1,328,264.
Frequency of Response: 1.
Estimated Annual Burden: 123,231 Hours.

FY 2001:
Number of Respondents: 1,325,760.
Frequency of Response: 1.
Estimated Annual Burden: 122,274 Hours.

FY 2002:
Number of Respondents: 1,327,400.
Frequency of Response: 1.
Estimated Annual Burden: 121,734 Hours.

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Annual Earnings Test—Direct Mail Follow-Up Program Notices—0960–0369. As part of the effort to reinvent government, in 1997 SSA began to use the information reported on W–2's and self-employment tax returns to adjust benefits under the earnings test rather than have beneficiaries make a separate report, which often showed the same information. Since SSA eliminated the annual report forms (formerly Forms SSA–L9778–SM and SSA–L9779–SM), the Mid-Year Mailer (Forms SSA–L9778–SM–SUP, SSA–L9779–SM–SUP and SSA–L9781–SM) has become an even more important tool in helping us to ensure the correct payment of Social Security benefits. The Mid-Year Mailer is used by beneficiaries to update their current year estimate of earnings and to give SSA an estimate of earnings for the following year.

Number of Respondents: 400,000.
Frequency of Response: 1.
Average Burden Per Response: 10 minutes.
Estimated Annual Burden: 66,667 hours.

2. Marriage Certification—0960–0009. Form SSA–3 is used by SSA to determine whether the claimant's spouse has the necessary relationship to the worker as required by section 216(h)(1) of the Social Security Act (the Act).

The respondents are applicants for Spouse's Benefits.

Number of Respondents: 180,000.
Frequency of Response: 1.
Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 15,000 hours.

3. Claimant's Work Background—0960–0300. The information collected on Form HA–4633 is used by SSA in cases in which claimants for disability benefits have requested a hearing, which is a statutory right granted to claimants under the Act, on the decision regarding their claim. A completed form provides an updated summary of a claimant's past relevant work and helps the Administrative Law Judge better decide whether or not the claimant is disabled. The respondents are claimants who request a hearing on entitlement to disability benefits, under titles II and/or XVI of the Act.

Number of Respondents: 120,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 30,000 hours.

4. Report on Individual with Childhood Impairment—0960–0084. Form SSA–1323 is used by SSA to determine the claimant's medical status prior to making disability determinations. The respondents are public and nonpublic schools and agencies who provide status reports on claimants applying for disability benefits.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 2,333 hours.

5. Medicare Buy-In Part B Screening Guide—0960–0601. Pub. L. 105–277 authorizes SSA to conduct a Medicare buy-in demonstration project to evaluate means to promote the Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act. A lack of awareness about the Medicare buy-in programs appears to be one of the major obstacles to enrollments. Other obstacles to enrollment include the confusion of potential eligibles as to how to apply for these programs and a preference for dealing with SSA field offices rather than with local Medicaid offices.

SSA will screen respondents voluntarily for potential Medicare Part B buy-in eligibility using a screening guide developed for this purpose. The screening guide will collect information from SSA beneficiaries regarding income, resources, marital status, and living arrangements and also ask questions about their awareness of Medicare Part B buy-in programs. SSA will gather this information to identify and overcome obstacles to Medicare Part B buy-in enrollments and to determine potential eligibility for Medicare Part B benefits. The screening guide will be in use from March 1, 1999 through December 31, 1999.

Number of Respondents: 130,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 43,333 hours.

6. State Report of Incorrect Bendex Information—0960–0517. SSA uses the information collected on Form SSA–1086 to correct its master database and to facilitate the electronic exchange of data. The respondents are State agencies administering programs for Aid to Families with Dependent Children.

Number of Respondents: 123.

Frequency of Response: 2.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 41 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

(OMB Address)

Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503.

Dated: July 9, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–18059 Filed 7–14–99; 8:45 am]

BILLING CODE 4190–29–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Anchorage International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as ''the Act'') and 14 CFR part 150 by the State of Alaska, Department of Transportation and Public Facilities. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Anchorage International Airport were in compliance with applicable requirements effective January 26, 1999. The proposed noise compatibility program will be approved or disapproved on or before January 4, 2000.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is July 9, 1999. The public comment period ends September 6, 1999.

FOR FURTHER INFORMATION CONTACT: Patricia A. Sullivan, Federal Aviation Administration, Alaskan Region, Airports Division, AAL–600, 222 West 7th Avenue, #14, Anchorage, Alaska 99513, 907–271–5454.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Anchorage International Airport which will be approved or disapproved on or before January 4, 2000. This notice also announces the availability of this program for public review and comment. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Anchorage International Airport, effective on July 9, 1999. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 4, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14

CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden in interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses. Interested persons are invited to comment on the purposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Alaskan Region, Airports Division, AAL–600, 222 West 7th Avenue, #14, Anchorage, Alaska 99513

Maryellen Tuttell, Noise Program Manager, Anchorage International Airport, P.O. Box 196960, Anchorage, Alaska 99519–6960.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Anchorage, Alaska on July 9, 1999.

Ronnie V. Simpson,

Manager, Airports Division, AAL–600, Alaskan Region.

[FR Doc. 99–18030 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Final Supplemental Environmental Impact Statement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Final Supplemental Environmental Impact Statement.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public of the availability of the Final Supplemental Environmental Impact Statement (FSEIS) for Indianapolis International Airport. This FSEIS concerns the environmental impact of implementing the Air Traffic Noise Abatement Measures described within the FSEIS and the federal funding associated with the land use measures. The FAA will be accepting comments on the document on or before August 16, 1999.

POINT OF CONTACT: Mr. George M. Bebble, Environmental Specialist, AGL–520.E, FAA Great Lakes Region, Air Traffic Division, 2300 East Devon Avenue, Des Plaines, IL 60018, Telephone (847) 294–7832.

SUPPLEMENTARY INFORMATION: A Final Supplemental Environmental Impact Statement (FSEIS) will be available for public review at the following locations.

(1) Federal Aviation Administration, Air Traffic Division Office, 2300 East Devon Avenue, Des Plaines, IL 60018,

(2) Indianapolis Airport Authority, South High School Road, Indianapolis International Airport, Indianapolis, IN,

(3) Decatur Township Branch Library, 5301 Kentucky Avenue, Indianapolis, IN 46241,

(4) Marion County Public Library, 40 East St. Clair, Indianapolis, IN 46204,

(5) Mooresville Public Library, 220 W. Harrison Street, Mooresville, In 46158,

(6) Plainfield Public Library, 1120 Stafford Road, Plainfield, In 46208,

(7) Wayne Township Branch Library, 198 South Girls School Road, Indianapolis, IN 46214.

Written comments may be addressed to Mr. George M. Bebble, Environmental Specialist, AGL–520.E, FAA Great Lakes Region, Air Traffic Division, 2300 East Devon Avenue, Des Plaines, IL 60018.

Issued in Des Plaines, Ill., at the above address on July 8, 1999.

David B. Johnson,

Assistant Manager, Air Traffic Division.

[FR Doc. 99–18029 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–17–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Joint RTCA Special Committee 181/Eurocae Working Group 13, Standards of Navigation Performance

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 joint Special Committee 181/EUROCAE Working Group 13 meeting to be held July 26–30, 1999, starting at 9 a.m. The meeting will be held at the Transport Canada Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario KIA ON8, Canada. The host, Mr. Jim Gregory, may be reached at (613) 991–9923 (phone), (613) 998–7416 (fax).

The agenda will be as follows: Monday, July 26–Tuesday, July 27, 9 a.m.–5 p.m. (1) Working Groups 1 and 2 to meet separately; Wednesday, July 28, (2) Working Groups 1 and 2 to meet separately; Thursday, July 29, 9 a.m.–5 p.m.–Friday, July 30, 9 a.m.–noon, Plenary Session: (3) Chairman's Remarks: (4) Plenary Review DO–201A/ED–77; (5) Working Groups Reports; (6) Dates and Locations of Future Meetings; (7) New Business; (8) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, 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; (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 July 9, 1999.

Gregory D. Burke,

Designated Official.

[FR Doc 99–18026 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172, Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

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 Special Committee 172 meeting to be held August 10–13, 1999, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will be as follows: Tuesday, August 10:

(1) Plenary Convenes at 9 a.m. for 30 minutes: (2) Introductory Remarks; (3) Review and Approval of the Agenda. (9:30 a.m.) (4) Working Group (WG)–2, VHF Data Radio Signal-in-Space Minimum Aviation System Performance Standards, continue work on VDL Mode 3. Wednesday, August 11: (a.m.) (5) WG–2 continues work on VDL Mode 3; (p.m.) (6) WG–3, Review of VHF Digital Radio Minimum Operational Performance Standards Document progress and furtherance of work. Thursday, August 12: Plenary Reconvenes at 9 a.m.: (7) Review Summary Minutes of Previous Plenary of SC–172; (8) Reports from WG–2 and WG–3 on Activities; (9) Report on ICAO Aeronautical Mobile Communications

Panel 6; (10) EUROCAE WG–47 Report and discuss schedule for further work with WG–3; (11) Review Issues List and Address Future Work; (12) Other Business; (13) Dates and Places of Future Meetings; (p.m.) (14) WG–3 continues. Friday, August 13: (15) Working Group's Continue as Required.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, 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; (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 July 9, 1999.

Gregory D. Burke,

Designated Official.

[FR Doc. 99–18027 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Joint Special Committee 182/ Eurocae Working Group 48, Minimum Operational Performance Standards (MOPS) for an Avionics Computer Resource

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 Special Committee (SC)–182/EUROCAE Working Group (WG)–48 meeting will be held August 17–19, 1999, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Chairman's Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review of Meeting Report: Joint RTCA SC–182/EUROCAE WG–48 Meeting, May 11–13, 1999; (4) Review and Disposition Comments to MOPS version 3.0; (5) Finalize MOPS version 4.0 and recommend adoption by RTCA and EUROCAE; (6) Review draft FAA TSO for ACR Applicance; (7) Draft letter to SC–190 regarding reuse tables (Annex E); (8) Date and Place of next meeting; (9) Chairman's Closing Remarks.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, 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; (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 July 9, 1999.

Gregory D. Burke,

Designated Official.

[FR Doc. 99–18028 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: District of Columbia, Prince George's County, Maryland and City of Alexandria and Fairfax County, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to a final environmental impact statement will be prepared for a proposed bridge project in the District of Columbia, Prince George's County, Maryland and the City of Alexandria and Fairfax County, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John Gerner, Project Manager, Woodrow Wilson Bridge Center, 1800 Duke Street, Suite 200, Alexandria, Virginia 22314, Telephone: (703) 519–9800.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the District of Columbia Department of Public Works, Virginia Department of Transportation, and Maryland State Highway Administration, will prepare a supplement to the final environmental impact statement (FEIS) for a proposal to enhance mobility while addressing community and environmental concerns along I–95/I–495 (Capital Beltway) from west of Telegraph Road to east of MD 210 in the vicinity of the Woodrow Wilson Bridge. The original FEIS for the improvements (FHWA–MD–VA–DC–EIS–91–01–F) was approved on September 2, 1997 and a Record of Decision (ROD) was issued on November 25, 1997. The proposed improvements documented in that FEIS provide for replacing the existing bridge with a new bridge crossing consisting of two new parallel drawbridges, one for eastbound traffic and the other for westbound traffic, constructed approximately thirty feet south of and twenty feet higher than the existing bridge. Each span would have five general purpose traffic lanes (separated into two express and three local lanes), and one lane reserved for future use by public transit or high occupancy vehicle use. Thus, the new bridge would have a total ten general purpose traffic lanes and two lanes reserved for limited future use. Four interchanges adjacent to the bridge, two in Maryland and two in Virginia, will also be reconstructed to provide for roadway widening associated with the larger bridge, smoother traffic flow, and improved access to the bridge.

The location and preliminary design of the project have been approved. However, a U.S. District Court ruling, *City of Alexandria* v. *Slater,* 1999 U.S. DIST. LEXIS 5254 (D. DC April 14, 1999), found that the FEIS was inadequate because a ten lane alternative had not been fully considered, the presentation of construction impacts associated with the project was not detailed enough, and the impact on cultural resources in yet to be selected mitigation sites and possible sites in the construction area were not described (on the last point, the Court also found that the National Historic Preservation Act had been violated). The Federal Government is appealing the Court's decision. The Federal Government is not appealing other portions of the decision dealing with the Clean Air Act.

Although the Federal Highway Administration is appealing this decision, in recognition of the need for timely action on this bridge replacement project, the Federal Highway Administration has decided to begin processing a supplemental environmental impact statement (SEIS) to address the issues raised by the Court and to present information on changes to the project which were not evaluated in the FEIS, even while the appeal of the Court decision is pending. In addition, and since the publication of the FEIS in 1997, the development of the final design has led to a number of changes in the project, resulting in some changes in the boundaries of the project, the configuration of the interchanges, the amount of dredging in the Potomac River, and other relatively limited changes. These changes are best addressed in an SEIS, irrespective of the District Court decision.

This ''Alternatives SEIS'' is being undertaken to: (1) Do preliminary engineering and design work necessary to develop 10 lane alternative designs, (2) consider these 10 lane alternatives along with the current 12 lane design, (3) address construction impacts and effects upon cultural resources and historic sites in the area, and (4) address

changes to the project since the issuance of the ROD.

If the appeal is resolved favorably and the mandate to more fully consider 10 lane alternatives, construction impacts, and yet to be identified historic sites in an SEIS is vacated, development of a ''limited scope SEIS'' (23 CFR 773.130(f)) only dealing with the changes which have occurred since the 1997 ROD would continue. Work would stop on those matters which flow directly from the District Court's decision, as an SEIS on these issues would then be unnecessary and limiting the scope of the SEIS would allow the project to remain on its original schedule.

If the appeal is not successful, the ''Alternatives SEIS'' addressing changes to the project since the ROD was issued as well as evaluating various 10 lane alternatives and other issues required by the District Court would be completed.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens and citizen groups who have previously expressed or are known to have an interest in this proposal. It is anticipated that Scoping Meetings will be held both in Virginia and Maryland early in August, 1999.

If the appeal is not successful and an ''Alternatives SEIS'' is prepared, Public Information Workshops will be held both in Maryland and Virginia in December, 1999 and Public Hearings will be held both in Maryland and Virginia in May, 2000. If the appeal is successful and a ''limited scope SEIS'' is prepared, the Public Information Workshop will not be conducted, but Public Hearings will be held both in Maryland and Virginia in January, 2000 to present the results of the evaluations of proposed changes to the project since the FEIS and ROD were issued in 1997. In either case, the draft SEIS will be available for public and agency review and comment prior to the Public Hearing. Public notice will be given of the availability of the Draft SEIS for review and of the time and place of the public meetings and hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning these proposed actions and SEIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program).

Nelson J. Castellanos,

Division Administrator, Baltimore, Maryland.

[FR Doc. 99–18095 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Town of Grundy, Virginia

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public of its intent to adopt the environmental impact statement prepared by the U.S. Army Corps of Engineers for a flood protection project for the Town of Grundy, which includes an upgrade of existing Route 460, and issue its own Record of Decision.

FOR FURTHER INFORMATION CONTACT: Edward Sundra, Environmental Specialist, Sr., Federal Highway Administration, Post Office Box 10249, 400 North 8th Street, Room 750, Richmond, Virginia 23240–0249, Telephone 804–775–3338.

SUPPLEMENTARY INFORMATION: The U.S. Army Corps of Engineers (Corps), in cooperation with the Virginia Department of Transportation (VDOT), prepared a draft Environment Impact Statement (EIS) for a joint project to alleviate the potential for flood damages in the Town of Grundy and made it available to the public in August 1993. Included as part of the proposed flood control measures is a highway component involving the upgrade of Route 460 from two to four lanes. The roadway profile would be elevated and the fill slope along with retaining walls used to control the flooding of the Levisa Fork River. A final environmental impact statement was issued in October 1995, and a Record of Decision was issued on September 23, 1997, by the Corps.

Although the FHWA reviewed and commented on the Corp's environmental impact statement when it was originally developed, they were never officially requested to be a cooperating agency in the process. VDOT has expressed an intent to use Federal-aid funds for the highway upgrade component of the project, therefore, the environmental impact statement is being reviewed by FHWA to determine if the EIS can be readily adopted for purposes of complying with NEPA. FHWA will solicit comments by circulating the final environmental impact statement and send out letters describing our intentions and changes that have occurred to the project to the appropriate Federal, State, and local agencies, private organizations, and citizens who have previously been involved or are known to have an interest in this proposal. Finally, notice of the document's availability will be published in local newspapers. Following this review and consideration of any comments received, FHWA, will issue its own Record of Decision.

To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA at the address provided above.

(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 proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: July 9, 1999.

Edward S. Sundra,

Environmental Specialist, Sr.

[FR Doc. 99–18094 Filed 7–14–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33753 (Sub–No. 1)]

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 [1] to

[1] On June 7, 1999, a notice of exemption under 49 CFR 1150.41 was served and published (64 FR 30375) for South Plains. *See South Plains Switching, Ltd. Co.—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company,* STB Finance Docket No. 33753. Subsequently, on June 25, 1999, South Plains filed an amended verified notice of exemption. Because the amendment extended the trackage being acquired and decreased the incidental trackage rights being acquired, Board staff notified South Plains' representative that the amended verified notice of exemption would be treated as a new filing under a new docket number and that the filing would require a new filing fee. The notice of exemption in STB Finance Docket No. 33753 (Sub-No. 1) supersedes the earlier notice of exemption served and published on June 7, 1999.

acquire approximately 74,384 feet of rail lines from The Burlington Northern and Santa Fe Railway Company (BNSF)[2] in Lubbock, TX, as follows: (1) former ATSF side tracks 0310–0313, 0320, 0330–0332, 0340–0341, 0370, 0372–0373, 0380–0382, 0385, 0387, and 0390; and (2) former BN side tracks 9200–9205, 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 3 miles of incidental trackage rights over BNSF's mainline between track 9298 and BNSF's Lower Yard at Lubbock.

South Plains reported that it intended to consummate the transaction on or shortly after July 4, 1999. The earliest the transaction can be consummated is July 8, 1999, the effective date of the exemption (7 days after the exemption was filed).[3]

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 (Sub-No. 1), 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.''

Decided: July 8, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–18108 Filed 7–14–99; 8:45 am]

BILLING CODE 4915–00–P

[2] 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.

[3] While the amended verified notice of exemption was received at the Board on June 25, 1999, it was not officially filed until July 1, 1999, when South Plains submitted the required filing fee.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 8, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 16, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0058.

Form Number: IRS Form 1028.

Type of Review: Extension.

Title: Application for Recognition of Exemption Under Section 521 of the Internal Revenue Service.

Description: Farmer's cooperatives must file Form 1028 to apply for exemption from Federal income tax as being organizations described in Internal Revenue Code (IRC) section 521. The information on Form 1028 provides the basis for determining whether the applicants are exempt.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 50.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—44 hr., 14 min.
Learning about the law or the form—1 hr., 44 min.
Preparing the form—4 hr., 23 min.
Copying, assembling, and sending the form to the IRS—32 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 2,545 hours.

OMB Number: 1545–0284.

Form Number: IRS Form 5309.

Type of Review: Extension.

Title: Application for Determination of Employee Stock Ownership Plan.

Description: Form 5309 is used in conjunction with Form 5300 or Form 5303 when applying for a determination letter as to a deferred compensation plan's qualification status under section 409 or 4975(e)(7) of the Internal Revenue Code. The information is used to determine whether the plan qualifies.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 462.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—5 hr., 44 min.
Learning about the law or the form—2 hr., 5 min.
Preparing and sending the form to the IRS—2 hr., 16 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 4,666 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–18107 Filed 7–14–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

[Treasury Order Number 102–23]

Delegation of Authority With Respect to Retirement Programs for District of Columbia Employees

June 23, 1999.

1. By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b), I hereby delegate to the Assistant Secretary for Management and Chief Financial Officer all duties, powers, rights and obligations of the Secretary under the National CapitalRevitalization and Self-Government Improvement Act of 1997 (Title XI of Public Law 105–33), as amended (the ''Revitalization Act''), with respect to the retirement programs for District of Columbia police officers, fire fighters, teachers, and judges (the ''Retirement Programs'').

2. The duties, powers, rights and obligations delegated to the Assistant Secretary for Management and Chief Financial Officer include, but are not limited to, the authority to issue regulations with respect to the Retirement Programs as authorized by the Revitalization Act.

3. The Assistant Secretary for Management and Chief Financial Officer shall be the ''Secretary's designee'' for purposes of section 11003(15) of the Revitalization Act, and for any similar statutory provision with respect to the administration of the Retirement Programs.

4. Redelegation:

a. The duties, powers, rights, obligations and functions delegated under this Order to the Assistant Secretary for Management and Chief Financial Officer may be redelegated. Any person receiving such a redelegation shall be the ''Secretary's designee'' for that purpose.

b. To the extent authorized by the Revitalization Act, the Assistant Secretary for Management and Chief Financial Officer may confer upon any person or other entity outside the Department of the Treasury any duties, rights, powers, obligations, and functions delegated under paragraph 1 of this Order, except the function described in paragraph 2 above. Any person or other entity upon whom such authority is conferred shall be the ''Secretary's designee'' for that purpose.

5. Any action by an officer or employee of the Department previously taken pursuant to Treasury Order 101–5, ''Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury,'' or other authority in connection with the Retirement Programs, is hereby ratified and approved.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 99–18098 Filed 7–14–99; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 99–52]

Customs Approval of VIP Chemical Incorporated as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Approval of VIP Chemical, Incorporated, of Corpus Christi, Texas, as a Commercial Gauger.

SUMMARY: VIP Chemical, Incorporated, of Corpus Christi, Texas, has applied to US Customs for approval to gauge petroleum and petroleum products, organic chmeicals and vegetable oils under § 151.13 of the Customs Regulations (19 CFR § 151.13). Customs has determined that this company meets all of the requirements for approval as a commercial gauger. Therefore, in accordance with 151.13(f) of the Customs Regulations, VIP Chemical, Incorporated, of Corpus Christi, Texas is hereby approved to gauge the products named above in all Customs ports.

LOCATION: VIP Chemical Incorporated approved site is located at: Poth Lane (Hess Oil Terminal) Corpus Christi, Texas, 78408.

EFFECTIVE DATE: July 6, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Parker, Science Officer, Laboratories and Scientific Services, US Customs Service, 1300 Pennsylvania Avenue, NW, Room 5.5–B, Washington, DC 20229 at (202) 927–2666.

Dated: July 9, 1999.

Ira S. Reese,

Acting Executive Director, Laboratories and Scientific Services.

[FR Doc. 99–18035 Filed 7–14–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Proposed Collection; Cuba Travel Declaration

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the Office of Foreign Assets Control's Cuba Travel Declaration information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before September 13, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Dennis P. Wood, Chief, Compliance Programs Division, or William B. Hoffman, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Annex-2nd Floor, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information about the filings or procedures should be directed to Dennis P. Wood, Chief, Compliance Programs Division, (tel.: 202/622–2490), Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Annex-2nd Floor, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Title: Electronic Form for OFAC License Applications.

OMB Number: 1505–0118.

Abstract: Declarations are to be completed by persons traveling from the United States to Cuba. The declarations will provide the United States Government with information to be used in administering and enforcing economic sanctions imposed against Cuba pursuant to the Cuban Assets Control Regulations, 31 CFR Part 515.

Current Action: Extension.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 70,000.

Estimated Time Per Respondent: 2.5 minutes.

Estimated Annual Burden Hours: 175,000.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 9, 1999.

Lois K. Holland,

Departmental Reports Management Officer, Department of the Treasury.

[FR Doc. 99–18105 Filed 7–14–99; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Proposed Collection; Electronic License Application Form

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the Office of

Foreign Assets Control's Electronic License Application Form information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before September 13, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Dennis P. Wood, Chief, Compliance Programs Division, or William B. Hoffman, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Annex-2nd Floor, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information about the filings or procedures should be directed to Dennis P. Wood, Chief, Compliance Programs Division, (tel.: 202/622–2490), Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Annex-2nd Floor, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Title: Electronic Form for OFAC License Applications.

OMB Number: 1505–0170.

Abstract: Transactions prohibited pursuant to the Trading With The Enemy Act, 50 U.S.C. App. 1–44, and the International Emergency Economic Powers Act, 50 U.S.C. 1701, may be authorized by means of specific licenses issued by the Office of Foreign Assets control (OFAC). Such licenses are issued in response to applications submitted by persons or institutions whose property has been blocked or who wish to engage in transactions that would otherwise be prohibited. This form—which provides a standardized method for all applicants and is available in electron form on our website—was new upon OMB's initial approval in December 1998. Applicants are not required to use the form. However, its use greatly facilitates and speeds applicants' submissions and OFAC's processing of applications and obviates the need for applicants to write lengthy letters to OFAC, thus reducing the overall burden of the application process.

Current Action: Extension.

Type of Review: Extension.

Affected Public: Individuals/businesses and other for-profit institutions/banking institutions.

Estimated Number of Respondents: 2,751.

Estimated Time Per Respondent: 30 minutes.

Estimated Annual Burden Hours: 1,376.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 9, 1999.

Lois Holland,

Department Reports Management Officer, Department of the Treasury.

[FR Doc. 99–18106 Filed 7–14–99; 8:45 am]

BILLING CODE 4810–25–P

UNITED STATES INFORMATION AGENCY

Educational Advising in Mexico City, Mexico

NOTICE: Request for proposals.

SUMMARY: The Office of Academic Programs/Advising Teaching, and Specialized Programs Division of the Bureau of Educational and Cultural Affairs of the United States Information Agency announces an open competition to operate an educational advising center in Mexico City, Mexico. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals for administering an advising center in Mexico City. The educational advising center would be part of USIA's worldwide network of 450 affiliated centers. These centers provide comprehensive and unbiased information to interested students, scholars, and other individuals about study opportunities in the US.

For applicants' information, on October 1, 1999, the Bureau will become part of the United States Department of State without affecting the content of this announcement or the nature of the program described.

Program information

Overview

The advising center in Mexico City should provide access to comprehensive and unbiased information about study opportunities in the US. Services provided by the center must include group and/or individual advising informational sessions. The advising center should provide accurate information and advising on the following topics: US colleges, universities, and other higher education institutions; the application process to a US university; majors and fields of study; testing requirements; life in the US; scholarship programs and financial aid; and predeparture orientation. Advisers will be eligible for training opportunities sponsored by the Agency, which will also provide a limited selection of reference books and materials to the center.

Guidelines

The period of this grant is October 1, 1999 to September 30, 2000.

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Applicants must submit a comprehensive budget for the entire program. Awards may not exceed $70,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Allowable costs for the program include the following:

(1) Salaries and benefits.

(2) Office supplies and expenses, including rent, communications, postage and shipping.

(3) Outreach and publicity costs.

(4) Indirect costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with USIA concerning this RFP should reference the above title and number *E/ASA–00–03*.

FOR FURTHER INFORMATION CONTACT: The Advising and Student Services Branch, E/ASA, Room 349, U.S. Information Agency, 301 4th Street, SW, Washington, DC 20547, phone: (202)

619–4731, email: ssheehan@usia.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify USIA E/ASA Program Officer Sharen Sheehan on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from USIA's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

To Receive a Solicitation Package Via Fax on Demand

The entire Solicitation Package may be requested from the Bureau's Grants Information Fax on Demand System, which is accessed by calling 202/401–7616. The Table of Contents listing available documents and order numbers should be the first order when entering the system.

Deadline for Proposals

All proposals copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on *Monday, August 2, 1999*. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and *6* copies of the application should be sent to: U.S. Information Agency, Ref.: *E/ASA–00–03*, Office of Grants Management, E/XE, Room 336, 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principal both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that in carrying out programs of educational cultural exchange in countries whose people do not fully enjoy freedom and democracy, USIA shall take appropriate step to provide opportunities for participation in such programs to human rights and democracy leaders of such countries. Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange from USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the USIA Western Hemsphre Area Office and the USIA posts overseas, where appropriate. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Final funding decisions are at the discretion of USIA's Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Agency's mission.

2. *Program planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration and program content.

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful programs in international education, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

9. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

10. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

11. *Value to U.S.-Partner Country Relations:* Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner countries.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: July 7, 1999.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–17976 Filed 7–14–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Regional Educational Advising Coordinator (REAC) for Mexico, Central America, and the Caribbean (MCAC) Region; Request for ProposalS

SUMMARY: The Office of Academic Programs/Advising, Teaching, and Specialized Programs Division of the bureau of Educational and Cultural Affairs of the United States Information Agency announces an open competition for a Regional Educational Advising Coordinator (REAC) for Mexico, Central America, and the Caribbean (MCAC) Region. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals for a REAC candidate to expand and enhance the sharing of information and materials with the region's advising centers, follow trends in U.S. education and regional exchange, disseminate information on the latest developments in technology and provide direct guidance such as site visits, internships, training and workshops in Mexico, Central America and the Caribbean. The region boasts 53 advising centers in the USIA network. These centers provide comprehensive and unbiased information to interested students, scholars, and other individuals about study opportunities in the US.

For applicants' information, on October 1, 1999, the Bureau will become part of the U.S. Department of State without affecting the content of this announcement or the nature of the program described.

Program Information

Overview: The Regional Educational Advising Coordinator (REAC) will be responsible for providing on-site technical assistance and training to existing centers in the Mexico, Central America, and the Caribbean Region (MCAC) and for coordinating the establishment of any new advising centers, as directed by individual embassies in consultation with E/ASA. The REAC should support any USIA-affiliated center located in the following countries: Mexico, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Guyana, Surinam, Anguilla, Antigua, Aruba, Bahamas, Barbados, British Virgin Islands, Cayman Islands, Dominica, Dominican Republic, Grand Cayman Island, Grenada, Haiti, Jamaica, Martinique, Montserrat, Nevis, St. Kitts, St. Lucia, St. Vincent and the Grenadines, Tobago, Tortola, and Trinidad. The MCAC REAC, acting as educational advising coordinator for the area, should work impartially with all organizations, binational centers, USIS Posts, universities, libraries, etc. involved in educational advising in the MCAC region to enable them to provide accurate and timely information on U.S. higher educational opportunities. The REAC must work closely with E/ASA and USIS posts throughout the region to help establish priorities for educational advising.

Guidelines: The period of this grant is October 1, 1999 to September 30, 2000.

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

Applicants must submit a comprehensive budget for the entire program. Awards may not exceed $50,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Allowable costs for the program include the following:

(1) Salary and benefits.

(2) Budget for REAC travel and per diem.

(3) Costs for training materials.

(4) Costs for Regional Adviser Conference.

(5) Office supplies and expenses.

(6) Indirect costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with USIA concerning this RFP should reference the above title and number *E/ASA–00–02*.

FOR FURTHER INFORMATION CONTACT: The Advising and Student Services Branch,

E/ASA, Room 349, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–4731, email: ssheehan@usia.gov to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify USIA E/ASA Program Officer Sharen Sheehan on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition with applicants until the proposal review process has been completed.

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To Receive a Solicitation Package Via Fax on Demand

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Deadline for Proposals

All proposal copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on *Monday, August 2, 1999*. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and *6* copies of the application should be sent to: U.S. Information Agency, Ref.: *E/ASA–00–02*, Office of Grants Management, E/XE, Room 336, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, USIA shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries. Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the USIA WHA Area Office and the USIA posts overseas, where appropriate. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Final funding decisions are at the discretion of USIA's Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to the Agency's mission.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration and program content.

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program of project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) ensuring that USIA supported programs are not isolated events.

9. Project Evaluation: Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

12. Value to U.S.-Partner Country Relations: Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner countries.

Authority

Overall grant making authority for this program is contained in the mutual Educational And Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated an committed through internal USIA procedures.

Dated: July 8, 1999.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 99–17978 Filed 7–14–99; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register

Vol. 64, No. 135

Thursday, July 15, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-6337-1]

RIN 2060-AH97

Test Methods: Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts

Correction

In the rule correction C9-11796, printed on page 37196 in the issue of Friday, July 9, 1999 (and rule document 99–11796 beginning on page 26484 in the issue of Friday, May 14, 1999), make the following correction:

Appendix A to Part 60-[Corrected]

Method 2H-Determination of Stack Gas Velocity Taking Into Account Velocity Decay Near the Stack Wall [Corrected]

On page 37196,third column, instruction 35 (and at 64 FR 26558, May 14, 1999, in the first column, equation 2H-10 is) corrected to read as follows:

$$Q_{d_1 \rightarrow d_{last}} = \sum_{d=1}^{d_{last}} Q_d \qquad \text{Eq. 2H-10}$$

[FR Doc. C9–11796 Filed 7–14–99; 8:45 am]

BILLING CODE 1505–01–D

federal register

Thursday
July 15, 1999

Part II

Department of Labor

Employment and Training Administration

Developing USDOL/ETA's Five-Year Research Plan for 2000–2004; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Developing USDOL/ETA's Five-Year Research Plan for 2000–2004

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of development of USDOL/ETA's Five-Year Research Plan; request for comment; and notice of research symposium.

SUMMARY: Notice is given on the development of the U.S. Department of Labor, Employment and Training Administration's (USDOL/ETA) Five-Year Research Plan for 2000–2004, which plan is required under the Workforce Investment Act (WIA) of 1998, Section 171. The Research Plan will identify the potential research and evaluation efforts that will most assist USDOL/ETA in carrying out workforce development programs under the WIA. Comments on draft Research Plans are requested as part of the iterative process for developing the final Research Plan, which must be transmitted to Congress by July 1, 2000. Notice of the Workforce Development Research Symposium is also given, which is part of USDOL/ETA's broad efforts to obtain public input on the draft Research Plan, including suggestions on areas where future research is needed in employment and training. To obtain additional information on the Research Plan and Research Symposium, and to provide comments, visit the website at the following address: http://www.heldrich.rutgers.edu/USDOL-ETA-ResearchPlan.

DATES: A. An initial July 6, 1999 draft of the Research Plan is currently available for comment, and a revised draft will be available for comment on September 30, 1999. Comments on the July 6, 1999 draft must be received by August 30 for incorporation into the September 30, 1999 draft. Comments on the September 30, 1999 draft must be received by October 30 for incorporation into the final draft of the Research Plan.

B. The National Workforce Development Research Symposium will be held on Tuesday, July 27, 1999, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: A. All written comments on the USDOL/ETA Research Plan should be sent by mail to USDOL/ETA Research Plan, c/o Heldrich Center for Workforce Development, Rutgers University, 33 Livingston Avenue, 5th Floor, New Brunswick, NJ 08901; by fax at (732) 932–3454, by e-mail to hcwd@rci.rutgers.edu; or through the Internet at the website address http://www.heldrich.rutgers.edu/USDOL-ETA-ResearchPlan. B. The National Workforce Development Research Symposium will be held at the Capitol Hilton Hotel, 16th and K Streets, NW, Washington, DC 20036. All interested parties are encouraged to attend. There is no registration fee, but prior registration is required. Seating is limited to 100 attendees, and will be available on a first-come, first-served basis. Instructions for registration are provided below under the supplementary information.

FOR FURTHER INFORMATION CONTACT: A. For information related to the Research Plan, contact Janet Javar, USDOL/ETA, Office of Policy and Research, N–5637, 200 Constitution Ave., NW, 20210; fax: (202) 219–5455; e-mail: jjavar@doleta.gov. B. For information related to the Research Symposium, contact Aaron Fichtner, Heldrich Center for Workforce Development at Rutgers University, USDOL/ETA Research Plan, c/o Heldrich Center for Workforce Development, Rutgers University, 33 Livingston Avenue 5th Floor, New Brunswick, NJ 08901; fax: (732) 932–3454; e-mail: hcwd@rci.rutgers.edu.

SUPPLEMENTARY INFORMATION:

A. Why Is the U.S. Department of Labor/Employment and Training Administration (USDOL/ETA) Developing a Five-Year Research Plan?

Under the Workforce Investment Act (WIA) of 1998, Section 171, the Secretary of Labor is required to prepare a Five-Year Research Plan every two years. The first Research Plan under the WIA must be published in the **Federal Register** and transmitted to Congress by July 1, 2000. By requiring such a plan, the WIA has given USDOL/ETA the unique opportunity to conduct a literature review of previous employment and training studies and the research methodologies used for these studies, and to propose an agenda for the next five years (beginning July 2000) for pilots, demonstrations, research, and evaluation studies in areas related to workforce development programs and policies.

B. What Is the Purpose of the Research Plan, and How Is It Structured?

The Five-Year Research Plan will identify the potential research and evaluation efforts that will most assist USDOL/ETA in carrying out workforce development programs under WIA. The Research Plan will focus primarily on proposing an agenda for applied research and demonstration topic areas in employment and training that endeavor to test new approaches, and describe the most successful and best practices, with the aim of providing a learning opportunity for policy-makers and practitioners.

The Research Plan will consist of the following sections:

—A review of relevant literature in employment and training research, such as research sponsored by USDOL, research by individuals and research institutions, and related research by the U.S. Department of Health and Human Services (HHS), the U.S. Department of Education (DoEd), and other federal agencies;

—An analysis of alternative research methodologies that should be used for various types of employment and training research;

—A presentation of potential research topics and evaluations that might be conducted in the next five years; and

—Recommendations for high priority topic areas which should be initiated over the next several years.

C. What Is the Process for Developing the Research Plan?

The John J. Heldrich Center for Workforce Development at Rutgers University is providing staff assistance to USDOL/ETA in developing the Research Plan, including preparing drafts of the plan. Available drafts of the Research Plan are for discussion only, and not for reproduction or quotation. These drafts are being developed by the Heldrich Center, and thus do not necessarily represent the official policies or positions of the U.S. Department of Labor. The USDOL/ETA has the responsibility for revising the submitted draft Research Plan into a final Research Plan, formally clearing the final Research Plan, publishing the final version of the plan in the **Federal Register**, and transmitting the final plan to Congress, as required by WIA.

The Research Plan is being developed through the input of a wide range of individuals and organizations, including research and policy offices of the USDOL, program offices of ETA, research departments of other Federal agencies, State and local levels of workforce development agencies, members of an Expert Panel, and other stakeholders in employment and training. In addition to publishing in the **Federal Register**, efforts to obtain input include establishing a website and convening the National Workforce Development Research Symposium.

D. What Is the National Workforce Development Research Symposium?

On July 27, 1999, the U.S. Department of Labor/Employment and Training

Administration and the Heldrich Center for Workforce Development at Rutgers University will convene a National Workforce Development Research Symposium in Washington, DC. This one-day symposium will bring together a variety of individuals with expertise in research in employment and training. The goal of the Research Symposium is to identify, through structured discussion, priorities for future research in employment and training. Concurrent sessions will focus on topic areas such as understanding the labor market, interventions to assist in-school and out-of-school youth, interventions to assist dislocated workers, interventions to assist adults (including welfare recipients and disadvantaged adults), interventions to assist individuals with disabilities and other special populations, unemployment insurance, new tools in employment and training (including reemployment incentives and self-employment/ microenterprise development), alternative methodologies for employment and training research, and national datasets needed for employment and training research.

Individuals interested in attending the Research Symposium should register by July 16, 1999. There is no registration fee, but prior registration is required. Seating is limited to 100 attendees, and will be available on a first-come, first-served basis. Persons with disabilities, needing special accommodations, should contact Aaron Fichtner of the Heldrich Center by July 16, 1999.

You can register for the Research Symposium by the following:

Mail: Mail your name, e-mail address, organization, telephone number, address, fax number, city, state, and zip code to USDOL/ETA Research Plan, c/o Heldrich Center for Workforce Development, Rutgers University, 33 Livingston Avenue 5th Floor, New Brunswick, NJ 08901.

Fax: Fax your name, e-mail address, organization, telephone number, address, fax number, city, state, and zip code to the Heldrich Center for Workforce Development at Rutgers University at (732) 932–3454.

Internet: Visit the Research Plan website at *http://www.heldrich.rutgers.edu/USDOL–ETA–ResearchPlan* to register online.

You will receive confirmation of your registration by mail, fax, or e-mail; the method will correspond to your registration method. Background materials for the Research Symposium, including the agenda for the day, is currently available on the Research Plan website.

E. To Contribute to the Development of the Research Plan

To make a suggestion, offer a comment, or request a written copy of an early draft of the Research Plan, please contact the Heldrich Center by mail at USDOL/ETA Research Plan, c/o Heldrich Center for Workforce Development, Rutgers University, 33 Livingston Avenue 5th Floor, New Brunswick, NJ 08901, by fax at (732) 932–3454, or by e-mail to hcwd@rci.rutgers.edu. You can also visit *http://www.heldrich.rutgers.edu/USDOL-ETA-ResearchPlan*. This website was developed by the Heldrich Center to allow a wide variety of individuals to provide input into the Research Plan as it is being developed.

Review an Early Draft of the Research Plan

An early draft of the Research Plan is currently available for your review. You can request this draft to be mailed to you or you can download it directly from the website. This early draft contains the first two parts of the plan:

—Section I: Review of Recent Research, Evaluation and Demonstration Initiatives and Identification of Needs, and

—Section II: Review of Alternative Methodologies for Employment and Training Research.

Section III (List of Potential Research Topics/Subject Areas) and Section IV (Recommendations for High-Priority Subject Areas) will be developed during the summer and fall of 1999, based upon further input from the U.S. Department of Labor, other Federal agencies, the Expert Panel, and the larger stakeholder community.

Comment on the Drafts of the Research Plan

Please submit your written comments on various drafts of the Research Plan by mail, fax, e-mail, or through the website. Include your name, address and contact information with your comments.

Suggest Areas Where Future Research Is Needed in Employment and Training

Section III of the Research Plan—List of Potential Research Topics/Subject Areas, and Section IV—Recommendations for High Priority Subject Areas—will be developed based upon extensive public input. Please submit your written suggestions for areas where you think future research is needed in employment and training by mail, fax, e-mail, or through the website. Include your name, address and contact information with your comments.

Signed at Washington, DC, this 9th day of July, 1999.

Gerard F. Fiala,

Administrator, Office of Policy and Research.

[FR Doc. 99–18003 Filed 7–14–99; 8:45 am]

BILLING CODE 4510–30–P

federal register

Thursday
July 15, 1999

Part III

Department of Education

Office of Special Education and Rehabilitative Services National Institute on Disability and Rehabilitation Research; Inviting Applications for New Awards Under Certain Programs for Fiscal Year 2000; Notice

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.133F, 84.133G, and 84.133P]

Office of Special Education and Rehabilitative Services National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards Under Certain Programs for Fiscal Year 2000

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs, including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

These programs support the National Education Goal that calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The estimated funding levels in this notice do not bind the Department of Education to make awards in any of these categories, or to any specific number of awards or funding levels, unless otherwise specified in statute.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 74, 75, 77, 80, 81, 82, 85, and 86; and the following program regulations:

Research Fellowships—34 CFR part 356.
Field-Initiated Projects—34 CFR part 350.
Advanced Rehabilitation Research Training Projects—34 CFR part 350.

Note: Research activities involving human subjects supported by awards under these programs are subject to Department of Education Regulations for the protection of human subjects. Applicants answering ''Yes'' to item 11 on form ED 424 whose research activities are nonexempt must complete the six-point narrative on protection of human subjects described in the Attachment to form ED 424. Copies of the Department of Education regulations for the protection of human subjects are available from the Grants Policy and Oversight Staff (GPOS), Office of the Chief Financial Officer, Washington, DC, telephone: (202) 708–8263 and on the protection of human subjects in research Web Site at: http://ocfo.ed.gov/humansub.htm

Program Title: Research Fellowships.
CFDA Number: 84.133F.
Purpose: The purpose of the Research Fellowship program is to build research capacity by providing support to highly qualified individuals, including those who are individuals with disabilities, to perform research on the rehabilitation of individuals with disabilities. Fellows may conduct original research in any area authorized by section 204 of the Rehabilitation Act of 1973, as amended. Fellows may address problems encountered by persons with disabilities in their daily lives that are due to the presence of a disabling condition, problems associated with the provision of rehabilitation services to individuals with disabilities, and problems connected with the conduct of disability research.

The program provides two categories of Fellowships: Merit Fellowships and Distinguished Fellowships. To be eligible for a Distinguished Fellowship, an individual must have seven or more years of research experience in subject areas, methods, or techniques relevant to rehabilitation research and must have a doctorate, other terminal degree, or comparable academic qualifications. To be eligible for a Merit Fellowship, an individual must have either advanced professional training or experience in independent study in an area which is directly pertinent to disability and rehabilitation.

The Fellowship awards are for twelve months and include a fixed stipend and a flat rate allowance for research and research-related expenses including travel expenses. Applicants are not required to submit budget proposals.

Selection Criteria: The Secretary evaluates applications for Fellowships according to the following criteria in 34 CFR 356.30.

(a) Quality and level of formal education, previous work experience, and recommendations of present or former supervisors or colleagues that include an indication of the applicant's ability to work creatively in scientific research; and

(b) The quality of a research proposal of no more than 12 pages containing the following information:

(1) The importance of the problem to be investigated to the purpose of the Act and the mission of the Institute.

(2) The research hypotheses or related objectives and the methodology and design to be followed.

(3) Assurance of the availability of any necessary data resources, equipment, or institutional support, including technical consultation and support where appropriate, required to carry out the proposed activity.

Eligible Applicants: Only individuals are eligible to be recipients of Fellowships. Institutions are not eligible to be recipients of Fellowships.

Program Authority: 29 U.S.C. 762(e).

APPLICATION NOTICE FOR FISCAL YEAR 2000 RESEARCH FELLOWSHIPS, CFDA NO. 84.133F

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
Research Fellowships	September 30, 1999	10	Merit: $45,000; Distinguished: $55,000.	12

Program Title: Field-Initiated Projects.

CFDA Number: 84.133G.

Purpose: Field-Initiated (FI) projects must further one or both of the following purposes: (1) develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities; or (2) improve the effectiveness of services authorized under the Act.

Field-Initiated projects carry out either research activities or development activities.

In carrying out a research activity, a grantee must identify one or more hypotheses, and based on the hypotheses identified, perform an intensive systematic study directed toward new or full scientific knowledge or understanding of the subject or problem studied.

In carrying out a development activity, a grantee must use knowledge and understanding gained from research to create materials, devices, systems, or methods beneficial to the target population, including design and development of prototypes and processes.

Target population means the group of individuals, organizations, or other

entities expected to be affected by the project. More than one group may be involved since a project may affect those who receive services, provide services, or administer services.

There are two different sets of selection criteria for FI projects: one set to evaluate applications proposing to carry out research activities, and a second set to evaluate applications proposing to carry out development activities. The set of FI selection criteria that will be used to evaluate an application will be based on the applicant's designation of the type of activity that the application proposes to carry out.

Note: An applicant for a field-initiated project should clearly identify on the cover page of the application whether the proposal is for a research project or for a development project.

Invitational Priorities: The Secretary is particularly interested in applications that address one of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets an invitational priority does not receive competitive or absolute preference over other applications. The invitational priorities are: (1) Collaborative international assistive technology and rehabilitation engineering projects including, but not limited to, projects that could be carried out under Science and Technology Agreements between the U.S. and other countries; (2) projects that address the impact of managing medication therapies on work transition issues for persons with HIV-AIDS; (3) projects to develop rehabilitation techniques for children and youth with receptive language disorders using objective measures of functional and neurological outcomes; (4) projects that address the problems of interface to information technology systems for persons with cognitive disabilities, such as mental retardation, brain injury, and dementia; and (5) projects to identify and develop methodologies appropriate for use in community-based research on various aspects of disability, rehabilitation, and living independently in the community.

Selection Criteria: Research Project

The Secretary uses the following criteria to evaluate a Field-Initiated Project application that proposes to carry out research activities.

(a) *Importance of the problem* (15 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the extent to which the applicant clearly describes the need and target population.

(b) *Design of research activities* (50 points total).

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (10 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (10 points);

(C) Each sample population is appropriate and of sufficient size (10 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (10 points); and

(E) The data analysis methods are appropriate (10 points).

(c) *Plan of evaluation* (10 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments.

(d) *Project staff* (15 total points).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (13 points).

(e) *Adequacy and accessibility of resources* (10 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (5 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (5 points).

Selection Criteria: Development Project

The Secretary uses the following criteria to evaluate a Field-Initiated Project application that proposes to carry out development activities.

(a) *Importance of the problem* (15 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (5 points).

(ii) The extent to which the proposed activities further the purposes of the Act (4 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (6 points).

(b) *Design of development activities* (50 points total).

(1) The Secretary considers the extent to which the design of development activities is likely to be effective in accomplishing the objectives of the project.

(2)(i) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(ii) The extent to which the plan for development, clinical testing, and evaluation of new devices and technology is likely to yield significant products or techniques, including consideration of the extent to which—

(A) the proposed project will use the most effective and appropriate technology available in developing the new device or technique (10 points);

(B) The proposed development is based on a sound conceptual model that demonstrates an awareness of the state-of-the-art in technology (10 points);

(C) The new device or technique will be developed and tested in an appropriate environment (5 points);

(D) The new device or technique is likely to be cost-effective and useful (10 points);

(E) The new device or technique has the potential for commercial or private

manufacture, marketing, and distribution of the product (5 points); and

(F) The proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products (10 points).

(c) *Plan of evaluation* (10 points total).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments.

(d) *Project staff* (15 total points).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (13 points).

(e) *Adequacy and accessibility of resources* (10 points total).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (5 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (5 points).

Eligible Applicants: Public and private organizations, including institutions of higher education and Indian tribes and tribal organizations, are eligible to apply for awards under this program.

Program Authority: 29 U.S.C. 764.

APPLICATION NOTICE FOR FISCAL YEAR 2000 FIELD-INITIATED PROJECTS, CFDA NO. 84.133G

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
Field-Initiated Projects	September 30, 1999	30	$150,000	36

Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount (See 34 CFR 75.104(b)).

Program Title: Advanced Rehabilitation Research Training Projects.

CFDA Number: 84.133P.

Purpose: Advanced Rehabilitation Research Training (ARRT) Projects must provide research training and experience at an advanced level to individuals with doctorates or similar advanced degrees who have clinical or other relevant experience. ARRT Projects train rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of the Rehabilitation Act and that improve the effectiveness of services authorized under the Act.

ARRT Projects must carry out all of the following activities: recruit and select candidates for advanced research training; provide a training program that includes didactic and classroom instruction, is multidisciplinary, and emphasizes scientific methodology, and may involve collaboration among institutions; provide research experience, laboratory experience or its equivalent in a community-based research setting, and a practicum that involves each individual in clinical research and in practical activities with organizations representing individuals with disabilities; provide academic mentorship or guidance, and opportunities for scientific collaboration with qualified researchers at the host university and other appropriate institutions; and provide opportunities for participation in the development of professional presentations and publications, and for attendance at professional conferences and meetings as appropriate for the individual's field of study and level of experience.

Selection Criteria: Advanced Rehabilitation Research Training Projects

The Secretary uses the following criteria to evaluate an Advanced Rehabilitation Research Training Project application.

(a) *Importance of the problem* (10 points total).

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the extent to which the applicant proposes to provide training in a rehabilitation discipline or area of study in which there is a shortage of qualified researchers, or to a trainee population in which there is a need for more qualified researchers (10 points).

(b) *Design of training activities* (40 points total).

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the proposed training methods are of sufficient quality, intensity, and duration (5 points).

(ii) The extent to which the proposed training materials and methods are accessible to individuals with disabilities (6 points).

(iii) The extent to which the applicant's proposed recruitment program is likely to be effective in recruiting highly qualified trainees, including those who are individuals with disabilities (7 points).

(iv) The extent to which the proposed didactic and classroom training programs emphasize scientific methodology and are likely to develop highly qualified researchers (6 points).

(v) The extent to which the quality and extent of the academic mentorship, guidance, and supervision to be provided to each individual trainee are of a high level and are likely to develop highly qualified researchers (6 points).

(vi) The extent to which the type, extent, and quality of the proposed clinical and laboratory research experience, including the opportunity to participate in advanced-level research,

are likely to develop highly qualified researchers (5 points).

(vii) The extent to which the opportunities for collegial and collaborative activities, exposure to outstanding scientists in the field, and opportunities to participate in the preparation of scholarly or scientific publications and presentations are extensive and appropriate (5 points).

(c) *Plan of operation* (10 points total).

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the following factors:

(i) The adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (5 points).

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective (5 points).

(d) *Collaboration* (5 points total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers one or more of the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (2 points).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (2 points).

(iii) The extent to which agencies, organizations, or institutions that commit to collaborate with the applicant have the capacity to carry out collaborative activities (1 point).

(e) *Adequacy and reasonableness of the budget* (10 points).

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (4 points).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (3 points).

(iii) The extent to which the applicant is of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner (3 points).

(f) *Plan of evaluation* (10 points).

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (2 points); and

(B) Achieving the project's intended outcomes and expected impacts (2 points).

(ii) The extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments (2 points).

(iii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (2 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(g) *Project staff* (10 points total).

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (2 points).

(3) In addition, the Secretary considers the following:

(i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (2 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (2 points).

(iii) The extent to which the project staff includes outstanding scientists in the field (1 point).

(iv) The extent to which key personnel have up-to-date knowledge from research or effective practice in the subject area covered in the priority (1 point).

(h) *Adequacy and accessibility of resources* (5 points).

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (2 points).

(ii) The quality of an applicant's past performance in carrying out a grant (1 point).

(iii) The extent to which the applicant has appropriate access to clinical populations and organizations representing individuals with disabilities to support advanced clinical rehabilitation research (1 point).

(iv) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Eligible Applicants: Institutions of higher education are eligible to receive awards under this program.

Program Authority: 29. U.S.C. 762(k).

APPLICATION NOTICE FOR FISCAL YEAR 2000 ADVANCED REHABILITATION RESEARCH TRAINING PROJECTS, CFDA NO. 84.133P

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
Advanced Rehabilitation Research Training Projects.	September 30, 1999	5	$150,000	60

Note: The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount (See 34 CFR 75.104(b)).

Instructions for Application Narrative

Recommended Page Limits: Field Initiated and Advanced Rehabilitation Research Projects

The Secretary strongly recommends that applicants for FI or ARRT projects:

(1) Include a one-page abstract in their application;

(2) Limit Part III—Application Narrative to no more than 50 double-spaced 8.5 x 11″ pages (on one side only) with one inch margins (top, bottom, and sides);

(3) Double-space (no more than 3 lines per vertical inch) all sections of text in the application narrative; and

(4) Use no smaller than a 12-point font, and an average character density no greater than 14 characters per inch.

The recommended application narrative page limit does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications. Also, the one-page abstract, resume or resumes, bibliography, or letters of support, while considered part of the application, are not subject to the recommended page limitation. Applicants should note that reviewers are not required to review any information provided in addition to the application information listed previously. The recommendations for double-spacing and font do not apply within charts, tables, figures, and graphs, but the information presented in those formats should be easily readable.

Note: An applicant for a field-initiated project should clearly identify on the cover page of the application whether the proposal is for a research or for a development project.

Strict Page Limits: Research Fellowships

The research proposal for a Fellowship application must be limited to no more than 12 pages.

Note: The Secretary will reject without consideration or evaluation any application for a Research Fellowship that does not adhere to the 12-page limit.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Washington, D.C. 20202–4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. [Washington, D.C. time] on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # [Applicant must insert number and letter]), Room # 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped self-addressed postcard containing the CFDA number and title of this program.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Forms and Instructions

The appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 1/12/99)) and instructions.

Part II: Budget Form—Non-Construction Programs (Standard Form 524A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014) and instructions.

(**Note**: ED Form GCS–014 is intended for the use of primary participants and should not be transmitted to the Department.)

Certification of Eligibility for Federal Assistance in Certain Programs (ED Form 80–0016).

Disclosure of Lobbying Activities (Standard Form LLL (if applicable) and instructions; and Disclosure Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an *original signature*. No grant may be awarded unless a completed application form has been received.

For Applications Contact: The Grants and Contracts Service completed application form has been received. Team, U.S. Department of Education, 400 Maryland Avenue SW., room 3317, Switzer Building, Washington, DC 20202, or call (202) 205–8207. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9860. The preferred method for requesting information is to FAX your request to (202) 205–8717.

For Further Information Contact: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3423, Switzer Building, Washington, DC 20202–2645. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna__Nangle@ed.gov.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may review this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal**

Register. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 29 U.S.C. 760–762.

Dated: July 8, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix—Application Forms and Instructions

Applicants are advised to reproduce and complete the application forms in this Section. Applicants are required to submit an original and two copies of each application as provided in this Section.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No. On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should Be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of participation by the other parties, including written agreements or assurances of cooperation. It is not useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should Be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program, and are contained in this Consolidated Application Package.

4. May I Submit Applications to More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes, you may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What Is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application. Applicants for an Advanced Rehabilitation Research Training project must limit indirect charges to 8 percent. Applicants for a Field-Initiated project program should limit indirect charges to the organization's approved rate. If the organization does not have an approved rate, the application should include an estimated actual rate. Fellowship awards are made to individuals, therefore indirect cost rates do not apply.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for grants under NIDRR programs. However, individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise Me Whether My Project Is of Interest to NIDRR or Likely To Be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That My Application Will Be Referred to the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting My Application Can I Find Out If It Will Be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date.

Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR To Find Out If My Application Is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If My Application Is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will All Approved Applications Be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.

BILLING CODE 4000–01–U

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
   Legal Name: _____
   Address: _____
   City _____ State _____ County _____ ZIP Code + 4 _____ - _____

   Organizational Unit

2. Applicant's D-U-N-S Number [ ][ ][ ][ ][ ][ ][ ][ ][ ]

3. Catalog of Federal Domestic Assistance #: 8 4 [ ][ ][ ][ ] ➡ Title: _____

4. Project Director: _____
   Address: _____
   City _____ State _____ ZIP Code + 4 _____ - _____
   Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____
   E-Mail Address: _____

5. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
   (If "Yes," attach an explanation.)

6. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*: _____

7. Novice Applicant ☐ Yes ☐ No

Application Information

8. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

9. Is application subject to review by Executive Order 12372 process?
   ☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/_____
   ☐ No *(If "No," check appropriate box below.)*
   ☐ Program is not covered by E.O. 12372.
   ☐ Program has not been selected by State for review.

10. Proposed Project Dates:

Start Date:	End Date:
___/___/_____	___/___/_____

11. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
    a. If "Yes," Exemption(s) #: [ ] **OR** b. Assurance of Compliance #: [ ]
    c. IRB approval date: _____ { ☐ Full IRB or ☐ Expedited Review

12. Descriptive Title of Applicant's Project:

Estimated Funding

13a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

14. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

b. Title

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address:

e. **Signature of Authorized Representative** Date: ___/___/_____

REV. 1/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

4. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

5. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

6. **Type of Applicant.** Enter the appropriate letter in the box provided.

7. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

8. **Type of Submission.** Self-explanatory.

9. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

10. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

11. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 11 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 11a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 11a, are appropriate. **Provide this narrative information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 11.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 11a and continue with the remaining parts of item 11, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 11b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 11c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 11c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 11b and skip 11c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

12. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

13. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 13.

14. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 14e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 11 on the application "Yes" and designated exemptions in 11a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 11 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1880--0538

Expiration Date: 10/31/99

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

Public reporting burden for these collections of information is estimated to average 30 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.

Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing this burden, to: the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project 1820-0027, Washington, D.C. 20503.

Research Fellowships (CFDA No. 84.133F) 34 CFR Part 356.

Field-Initiated Research (CFDA No. 84.133G) 34 CFR Parts 350

Research Training and Career Development Program - (CFDA No. 84.133P) 34 CFR Part 350.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such

conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that the U.S. Department of Education imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or

2. For a-fellowship, scholarship, stipend, discretionary grant, or loan in any program of the U.S. Department of Education that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105i);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship Program (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));

OR

B. I have made arrangements satisfactory to the U.S. Department of Education to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to the U.S. Department of Education for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ _____
(Signature) (Date)

_____
(Typed or Printed Name)

Name or number of the USDE program under which this certification is being made: _____

ED 80-0016 (9/92)

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* $	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

[FR Doc. 99–17975 Filed 7–14–99; 8:45 am]
BILLING CODE 4000–01–C

federal register

Thursday
July 15, 1999

Part IV

Department of Education

34 CFR Parts 600 and 668

Institutional Eligibility Under the Higher Education Act of 1965, as Amended and Student Assistance General Provisions; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 600 and 668

RIN 1840–AC75

Institutional Eligibility Under the Higher Education Act of l965, as Amended and Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed regulations amend the regulations that govern institutional eligibility for and participation in the student financial assistance programs authorized under title IV of the Higher Education Act of 1965, as amended (title IV, HEA programs). These programs include the Campus-based programs (Federal Perkins Loan, Federal Work-Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG) Programs), the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) programs, the Federal Pell Grant Program, and the Leveraging Educational Assistance Partnership (LEAP) Program (formerly known as the State Student Incentive Grant (SSIG) Program). These proposed regulations implement statutory changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1998 (1998 Amendments). Many of the proposed regulatory changes merely conform current regulatory provisions to the statutory changes.

DATES: We must receive your comments on or before September 13, 1999.

ADDRESSES: Address all comments about these proposed regulations to Cheryl Leibovitz, U.S. Department of Education, P.O. Box 23272, Washington, DC 20026–3272. If you prefer to send your comments through the Internet, use the following address: *IENPRM@ed.gov*

If you want to comment on the information collection requirements you must send your comments to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. You may also send a copy of these comments to the Department representative named in this section.

FOR FURTHER INFORMATION CONTACT: Cheryl Leibovitz. Telephone: (202) 708–9900. If you use a telecommunications device for the deaf (TDD), you may call the Federal information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the programs.

During and after the comment period, you may inspect all public comments about these proposed regulations in Room 3045, Regional Office Building 3, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

General

The proposed regulations revise the current Institutional Eligibility regulations, 34 CFR part 600, and the Student Assistance General Provisions regulations, 34 CFR part 668, which govern institutional eligibility for, and participation in, the title IV, HEA programs. The revisions implement the 1998 Amendments, Pub. L. 105–244, enacted October 7, 1998.

Negotiated Rulemaking Process

Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs under title IV of the Act, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations, the Secretary must conduct a negotiated rulemaking process to develop the proposed regulations. All published proposed regulations must conform to agreements resulting from the negotiated rulemaking process unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process of why the Secretary has decided to depart from the agreements.

To obtain public involvement in the development of the proposed regulations, we published a notice in the **Federal Register** (63 FR 59922, November 6, 1998) requesting advice and recommendations from interested parties concerning what regulations were necessary to implement title IV of the HEA. We also invited advice and recommendations concerning which regulated issues should be subjected to a negotiated rulemaking process. We further requested advice and recommendations concerning ways to prioritize the numerous issues in title IV, in order to meet statutory deadlines. Additionally, we requested advice and recommendations concerning how to conduct the negotiated rulemaking process, given the time available and the number of regulations that needed to be developed.

In addition to soliciting written comments, we held three public hearings and several informal meetings to give interested parties an opportunity to share advice and recommendations with the Department. The hearings were held in Washington, DC, Chicago, and Los Angeles, and we posted transcripts of those hearings to the Department's Information for Financial Aid Professionals website (http://ifap.ed.gov).

We then published a second notice in the **Federal Register** (63 FR 71206, December 23, 1998) to announce the Department's intention to establish four negotiated rulemaking committees to draft proposed regulations implementing title IV of the HEA. The notice announced the organizations or groups believed to represent the interests that should participate in the negotiated rulemaking process and announced that the Department would select participants for the process from nominees of those organizations or

groups. We requested nominations for additional participants from anyone who believed that the organizations or groups listed did not adequately represent the list of interests outlined in section 492 of the HEA. Once the four committees were established, they met to develop proposed regulations over the course of several months beginning in January. Except as noted elsewhere in this preamble, the proposed regulations contained in this notice of proposed rulemaking (NPRM) reflect the final consensus of Committee IV on the issues addressed in this notice of proposed rulemaking (NPRM). Committee IV was made up of the following members:

American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of Cosmetology Schools
American Association of State Colleges and Universities
American Council on Education
Association of American Universities
Association of Jesuit Colleges and Universities
Career College Association
Council for Higher Education Accreditation
Council of Recognized National Accrediting Agencies
Council for Regional Accrediting Commissions
Education Finance Council
Legal Services Counsel (a coalition)
National Association of College and University Business Officers
National Association for Equal Opportunity in Higher Education
National Association of Independent Colleges and Universities
National Association of State Student Grant and Aid Programs/National Council of Higher Education Loan Programs (a coalition)
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Direct Student Loan Coalition
National Women's Law Center
State Higher Education Executive Officers Association
The College Board
The College Fund/United Negro College Fund
United States Department of Education
United States Student Association
U.S. Public Interest Research Group

As stated in the committee protocols, consensus means that there must be no dissent by any member in order for the committee to be considered to have reached agreement. Consensus was reached on all the proposed regulations contained in this NPRM except for the regulations governing the implementation of the ''90/10 rule,'' which is part of the definition of an eligible ''proprietary institution of higher education'' that can be found in § 600.5.

Discussion of the proposed regulations will first cover those areas on which the negotiators reached a consensus, and will then cover the proposed regulations implementing the 90/10 rule.

Section 600.2 Definitions

Prior to the 1998 Amendments, a State was defined to include the ''Trust Territory of the Pacific Islands.'' Now, instead of that term, a State includes the ''Freely Associated States.'' The Freely Associated States include the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The proposed regulations would amend the definition of the term ''State'' to reflect those changes.

Section 600.4 Institution of Higher Education; § 600.5 Proprietary Institution of Higher Education; and § 600.6 Postsecondary Vocational Institution

Each of these sections has a provision that states that the Secretary does not currently recognize the accreditation of an institution unless the institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to ''binding'' arbitration. The proposed regulations would change these provisions to require an institution to agree to submit any such dispute to ''initial'' arbitration to conform them to the literal language of the statute imposing that requirement (section 496(e) of the HEA).

Section 600.7 Conditions of Institutional Ineligibility

The proposed regulations would amend § 600.7(a) to make technical changes to § 600.7(a)(1) (iii) and (iv) to more accurately reflect the statute (section 102(a)(3) (C) and (D) of the HEA). Section 600.7(a)(1)(iii) currently provides that an educational institution does not qualify as an eligible institution if twenty-five percent or more of the institution's regular enrolled students were incarcerated. Section 600.7(a)(1)(iv) provides that an educational institution does not qualify as an eligible institution if fifty-percent or more of its regularly enrolled students had neither a high school diploma nor the recognized equivalent of a high school diploma. The proposed regulations would change these provisions to read ''more than twenty-five percent'' and ''more than fifty percent,'' respectively, to reflect the wording of the statute (sections 102(a)(3)(C) and (D) of the HEA).

The proposed regulations would amend § 600.7(c) to reflect a change made by the 1998 Amendments that expands the waiver provision for institutions whose enrollment of incarcerated students exceeds 25 percent. Prior to the 1998 Amendments, a public or nonprofit private institution could obtain a waiver of this limitation only if it provided a two- or four-year program for which it awarded an associate degree or bachelor's degree. As amended, the institution could also obtain a waiver if it provides a two- or four-year program for which it awards a ''postsecondary diploma.''

Section 600.8 Treatment of a Branch Campus

The proposed regulations would amend this section to reflect a change made by the 1998 Amendments that clarifies that a branch campus must exist as a branch campus for at least two years after the Secretary certifies it as a branch campus before seeking to be certified as a main or free-standing campus. The proposed regulations would also conform changes in § 600.5(b)(3)(i) and § 600.6(b)(3)(iii).

Section 600.31 Change in Ownership Resulting in a Change of Control

As amended by the 1998 Amendments, section 498(i)(4) of the HEA authorizes the Secretary to permit an institution undergoing a change in ownership that results in a change in control to continue to participate in the title IV, HEA programs on a provisional basis if the institution meets certain requirements. Those requirements include submitting a materially complete application that is received by the Department within 10 business days of the date on which the change of ownership takes place.

The proposed regulations would amend § 600.31 by deleting § 600.31(f), which prohibits an institution from submitting a materially complete application before the change of ownership takes place. Because section 498(i)(4) of the HEA supersedes the limitation in § 600.31(f), the revised regulations would permit institutions to submit applications before a change in ownership takes place.

Section 600.55 Additional Criteria for Determining Whether a Foreign Medical School is Eligible To Apply To Participate in the FFEL Programs

Section 600.55(a)(5)(i)(A) is amended to reflect the amendment to section 484(a)(5) of the HEA made by the 1998 Amendments. Section 484(a)(5) contains

citizenship and residency requirements that the Secretary is required to reference under section 102(a)(2)(A)(i)(I) of the HEA in fashioning criteria to determine the comparability of foreign graduate medical schools to domestic graduate medical schools.

Section 600.56 Additional Criteria for Determining Whether a Foreign Veterinary School is Eligible To Apply To Participate in the FFEL Programs

The 1998 Amendments added special eligibility provisions for foreign veterinary schools. Those schools are now subject to many, but not all, of the same special eligibility requirements that the statute previously applied to foreign medical schools. Most notably, a foreign veterinary school is now ineligible to apply to participate in the FFEL Program unless either its clinical training program has been approved by a State continuously since 1992, or its students complete clinical training at an approved veterinary school located in the United States. The proposed regulation follows the amendments, treating foreign veterinary schools and foreign medical schools identically for eligibility purposes to the extent indicated by the statute.

Section 668.12 Application Procedures

As previously noted with regard to § 600.31, amended section 498(i)(4) of the HEA authorizes the Secretary to permit an institution seeking approval of a change in ownership to continue to participate in the title IV, HEA programs on a provisional basis if the institution meets certain requirements. One of those requirements is the submission of a materially complete application that is received by the Department within 10 business days of the date on which the change of ownership takes place.

If an institution submits a materially complete application in a timely manner, the institution may continue to participate in the title IV, HEA programs on a provisional basis until the earlier of (1) the date the Secretary approves or disapproves the application, or (2) the end of the month following the month in which the change in ownership occurred. However, if the Secretary has not issued a decision on the application within that period, the institution may continue to participate provisionally on a month-to-month basis until the Secretary issues a decision on the institution's application, provided the institution submits any additional documentation requested by the Department promptly.

The proposed regulations would implement these provisions in § 668.12(f) and (g). In particular, proposed § 668.12(f) specifies the documents that must be submitted to be considered a ''materially complete application.'' Proposed § 668.12(g) contains the terms and conditions under which the institution may continue to participate in the title IV, HEA programs while its application is being reviewed. This paragraph also includes the additional documents that must be submitted before the Secretary will issue a decision on the application or extend the institution's participation on a month-to-month basis. The Secretary wishes to clarify that all institutions that undergo a change of ownership must submit a ''same day'' balance sheet showing the financial position of the institution, as of the date of the ownership change, in order to continue participation in the Title IV, HEA programs.

Section 668.13 Certification Procedures

The proposed regulation would change the maximum period of time that an institution may be certified to participate in the Title IV, HEA programs from four years to six years. This change implements a statutory change in the HEA made by the 1998 Amendments.

Section 668.14 Program Participation Agreement

As a result of a statutory change to the HEA by the 1998 Amendments, an institution that has undergone a change in ownership that results in a change in control does not have to use a Default Management Plan during the first two years of its participation in the FFEL or Direct Loan Programs if certain conditions are met. These conditions are (1) that the institution, including any branch campus, does not have a cohort default rate in excess of 10 percent, and (2) that the institution's owners do not own and have not owned an institution with a cohort default rate in excess of 10 percent. The proposed regulations would amend § 668.14 to reflect that change.

The proposed regulations would combine the provisions requiring Default Management Plans currently included in § 668.14(b)(15) and (b)(16) into a single paragraph, § 668.14(b)(15), and remove and reserve § 668.14(b)(16).

The proposed regulations would revise § 668.14(b)(20) to require that a co-educational institution that has an intercollegiate athletic program agree to comply with the provisions of § 668.48. This change conforms the regulations to changes made to the HEA by the l998 Amendments.

The proposed regulations would simplify the regulations by removing § 668.14(d) and (e), which govern collection and reporting of information concerning athletically-related aid, because those requirements also are contained in § 668.48. In a separate NPRM, the proposed amendments to § 668.48 would implement statutory changes made to the HEA by the l998 Amendments on that issue.

The proposed regulations would amend § 668.14(b)(24) to clarify that the institution is agreeing to comply with the requirements of § 668.22, currently titled ''Institutional Refunds and Repayments.'' Another NPRM proposes to incorporate into § 668.22 the new statutory requirements for the return of Title IV, HEA program funds.

The proposed regulations would add a new § 668.14(d) to reflect the addition of section 487(a)(23) to the HEA. That new section requires an institution to make a good faith effort to distribute mail voter registration forms to its students. The 1998 Amendments, however, prohibit any officer of the Executive Branch from instructing an institution in the manner in which this provision is carried out. Therefore, the proposed regulations incorporates the provisions of section 487(a)(23) *verbatim* into § 668.14(d) with minor changes to incorporate plain language requirements.

The amended HEA provides that section 487(a)(23) applies only to institutions that are located in States to which section 4(b) of the National Voter Registration Act, 42 U.S.C. 1973gg–2(b) does not apply.

If an institution must comply with § 668.14(d), it must make a good faith effort to distribute mail voter registration forms to its students for elections for governor and for elections defined in section 301(1) of the Federal Election Campaign Act of 1971, 2 U.S.C. 431(1). That section defines the term ''election'' to be ''(A) a general, special, primary, or runoff election; (B) a convention or caucus of a political party which has authority to nominate a candidate; (C) a primary election held for the selection of delegates to a national nominating convention of a political party; and (D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.''

Section 668.27 Waiver of Annual Audit Submission Requirement

As amended by the 1998 Amendments, the HEA authorizes the waiver of the requirement that an institution submit on an annual basis a

compliance audit of its administration of the Title IV, HEA programs and audited financial statements. If the waiver is granted, the waiver may extend for up to three fiscal years.

The proposed regulations would add § 668.27 to implement the following waiver requirement. The 1998 Amendments provide that in order to receive a waiver, the institution must have delivered less than $200,000 of Title IV, HEA program funds in each of the two award years preceding the waiver period. The 1998 Amendments further provide that the institution must also post a letter of credit in an amount equal to 50 percent of the institution's ''annual potential liability.''

What is being proposed to be waived under this provision is the annual audit submission requirement for compliance audits. The institution is still required to have its administration of the Title IV, HEA programs audited for the waiver period. Therefore, if an institution is granted a waiver for three years, when the waiver period expires and the institution must submit its next compliance audit, that audit must cover the institution's administration of the Title IV, HEA programs since the end of the period covered by its last submitted compliance audit.

For example, an institution's fiscal year coincides with an award year. It submits a compliance audit for its fiscal year that ends on June 30, 2000, and then receives a waiver so that its next compliance audit is due six months after the end of its 2002–2003 fiscal year. When it submits that audit, the audit must cover its administration of the Title IV, HEA programs for the 2000–2001 and 2001–2002 fiscal years as well as the 2002–2003 fiscal year.

With regard to the audited financial statement, an institution will need to submit an audit only of its latest fiscal year.

However, the auditor who conducts its compliance audit or prepares its audited financial statement must determine that the institution satisfied the conditions of institutional eligibility set forth in § 600.7 (dealing with, for example, correspondence courses and students, and incarcerated students) for each year covered by the waiver. Similarly, if the institution is a proprietary institution of higher education, the auditor must audit the institution's determination that it satisfied the 90/10 rule for each year covered by the waiver.

In implementing this provision, the committee recognized that for this provision to have any practical value, an institution's cost of obtaining a letter of credit in an amount equal to 50 percent of ''annual potential liability'' must be less than the cost of performing the required audits. The committee concluded that a letter of credit in an amount equal to 10 percent of an institution's Title IV, HEA programs disbursements for an award year was the appropriate amount to satisfy that purpose. However, such a low amount is reasonable only for a low-risk institution that is strong financially and has a history of proper administration of the Title IV, HEA programs. Accordingly, the committee agreed to permit waivers only for institutions that met the criteria in § 668.27(c).

Section 668.92 Fines

The 1998 Amendments revised the HEA to provide that an individual who exercises substantial control over an institution and willfully fails to pay refund obligations on student loans must pay those refunds, and is subject to the penalty established under section 6672(a) of the Internal Revenue Code of l986 with respect to nonpayment of taxes. The committee determined that this provision applies to both individuals who fail to pay refunds under the terms of § 668.22 when that section refers to refund obligations, *i.e.*, up to and including June 30, 2000, and to individuals who fail to return Title IV, HEA program funds when that section refers to the return of Title IV, HEA program funds, *i.e.*, on or after July 1, 2000.

Section 668.95 Reimbursements, Refunds and Offsets; Section 668.113 Request for Review

The proposed regulations would add paragraph (d) to § 668.95 to implement the statutory change to the HEA made by the l998 Amendments that allows institutions to correct or cure an error that results from administrative, accounting, or recordkeeping error, if that error was not part of a pattern of error and there is no evidence of fraud or misconduct related to the error. Section 668.92(d) provides that the Secretary will not limit, suspend, terminate, or fine the institution if such an error is cured.

A similar addition has been made to § 668.113(d). That paragraph provides that the Secretary will permit an institution to correct or cure an error and will not impose a liability if the institution eliminates the basis of the liability by curing or correcting the error.

90/10 Rule

Section 600.5 Proprietary Institution of Higher Education

Prior to the 1998 Amendments, an eligible proprietary institution had to derive at least 15 percent of its revenues from non-title IV, HEA sources. The 1998 Amendments reduced that percent to 10 percent. The proposed regulations would amend § 600.5(a)(8) to reflect that change.

Cash Basis of Accounting. Treatment of Institutional Scholarships and Loans

The Committee IV negotiators did not reach consensus on how to implement the statutory provision that requires a proprietary institution of higher education to derive a portion of its revenue from sources outside of the Title IV, HEA programs.

The Higher Education Amendments of 1992 changed the statutory definition of a proprietary institution of higher education to require that such an institution derive at least 15 percent of its revenue from non-Title IV, HEA program funds. The Secretary implemented that provision with the so-called 85/15 rule that is contained primarily in § 600.5(d).

In the notice of proposed rulemaking for the 85/15 rule that was published in the **Federal Register** of February 10, 1994 (59 FR 6446–64675), the Secretary proposed that, in calculating their compliance with the 85/15 rule, institutions could report the amount of Title IV, HEA program funds in the numerator of the 85/15 rule fraction (Title IV revenue over total revenue) using the cash basis of accounting, and total revenue generated in the denominator using the accrual basis of accounting. The Secretary received overwhelming negative comments on that proposal. The commenters pointed out that it did not make sense to calculate the numerator and denominator under different bases of accounting.

The Secretary agreed, and in the final rule required that institutions use the cash basis of accounting to report Title IV revenue in the numerator and total revenue in the denominator. The Secretary chose that method because institutions report and account for their Title IV, HEA program expenditures under that basis of accounting.

After § 600.5(d), which set forth the 85/15 rule, was published as a final regulation in the **Federal Register** of April 29, 1994 (59 FR 22324, 22328), questions arose with regard to the treatment of institutional scholarships and loans under the cash basis of accounting.

Therefore, to remove any apparent or perceived ambiguities that may exist with regard to the current regulations, the Secretary is proposing a number of clarifications regarding compliance with the ''85/15 rule'', including its application to institutional scholarships and loans. These revisions are in addition to those needed to reflect the new statutory minimum percentage of income that such an institution must derive from non-Title IV HEA program funds.

In these proposed regulations, the Secretary makes explicit in § 600.5(d)(2) that an institution must use the cash basis of accounting in reporting Title IV, HEA program funds in the numerator and revenues generated in the denominator of the fraction in § 600.5(d)(1). Further, in § 600.5(d)(3), the Secretary describes the circumstances under which institutional scholarships and loans may be considered as revenue generated by the institution in the denominator of the fraction.

During the course of the regulatory negotiations, some negotiators expressed the view that the circumstances under which the proposed regulations permit institutional scholarships to be included as revenue were too narrow. The Department's negotiator, as well as others disagreed. The Department's position on this matter is based on the following.

It is the Secretary's understanding that, in general, as an accounting matter, revenue is an inflow or other enhancement of assets to an entity, or a reduction of its liabilities, resulting from the delivery or production of goods or services. Under the cash basis of accounting, revenue is recognized by an entity when that entity receives cash, *i.e.*, when there is an inflow of cash to the entity. In contrast, under the accrual basis of accounting, an entity recognizes revenue when it earns that revenue, regardless of whether there is any inflow of cash at the point revenue is recognized.

As a result, in order for an institution to recognize revenue under the cash basis of accounting, that revenue must represent cash received from a source outside the institution. With regard to institutional loans, when an institution makes a loan to a student, it does not receive cash from an outside source; in fact, it does not receive any cash. Accordingly, cash revenue from institutional loans are recognized only when those loans are repaid, because that is when there is an inflow of cash from an outside source.

Similarly, institutional grants and scholarships awarded to students do not generally result in revenue for the institution. In fact, the American Institute of Certified Public Accountants (AICPA) and the National Association of College and University Business Officers (NACUBO) instruct institutions to treat institutional scholarships as a reduction in revenue or as an expense. However, the Secretary proposes to allow institutional grants or scholarships that represent funds that originated from a source outside of the institution, to be considered to be income to the institution. For example, if an alumnus of the institution donated funds to the institution and expressly provided that the funds were to be used for institutional scholarships, scholarships from an account designated for scholarships and made up solely of those funds (and earnings on those funds) would be considered to represent income to the institution.

Institutional grants in the form of tuition waivers do not count as revenue because no new revenue is generated. Similarly, internal transfers of cash among accounts are generally not considered revenue to the institution because they do not represent an inflow of cash to the institution. An exception to this general rule would be a case, like the one noted previously, in which the account in question that is the source of a scholarship is a scholarship account made up of funds that originated from outside of the institution that represent income (and of interest on those funds). The proposed rule would allow an institution to include institutional grants and scholarships in the calculation of compliance with the rule if the institution can demonstrate that those funds represent an increase in cash to the institution that would be counted as income. Examples of cash that does not represent income include borrowing money and using the proceeds from the borrowing to make institutional scholarships or the sale of stock where the institution uses the proceeds to make institutional scholarships.

Treatment of FWS, LEAP and Matching Funds

In proposed § 600.5(e)(1), the Secretary clarifies that, in calculating compliance with the rule, an institution does not count, in the numerator or denominator, funds it receives under the Federal Work Study or LEAP (formerly SSIG) Program, and does not include in the denominator any funds it uses to satisfy a required match in a Title IV, HEA program.

Presumption That Title IV, HEA Program Funds Are Used To Pay Institutional Charges

Some negotiators objected to the current rule contained in § 600.5(d)(v) that provides that Title IV, HEA programs funds disbursed to students must be presumed to be used to pay the students' tuition, fees and other institutional charges so that those funds are included in the numerator of the fraction. These negotiators proposed exceptions to this rule over and above those already included in § 600.5(d)(2)(v)(A) and (B). (In this NPRM, § 600.5(d)(2)(v) is redesignated as § 600.5(e)(2), and § 600.5(d)(2)(v)(A) and (B) is redesignated as § 600.5(e)(3)(i) and (ii)).

The Secretary has agreed to include one additional exception, prepaid State tuition plans, and has included that exception in proposed § 600.5(e)(3)(iii). The rationale for including this exception is that funds from this type of plan are generally transmitted directly from the State to the institution for institutional charges. The Secretary did not agree to include other potential sources of payment of institutional charges because funds from those other sources, such as Education IRAs, are either no different from other types of family investments, or the tracking of those funds would be extremely problematic.

Several other changes have been made to this section that simply remove references that dealt with periods of time that are no longer relevant.

Executive Order 12866

1. Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits of this regulatory action—both quantitative and qualitative—we have determined that the benefits would justify the costs.

We have also determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We note that, as these proposed regulations were subject to negotiated rulemaking, the costs and benefits of the various requirements were discussed thoroughly by negotiators. The resultant consensus reached on a particular

requirement generally reflected agreement on the best possible approach to that requirement in terms of cost and benefit.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comments on whether there may be further opportunities to reduce any potential costs or to increase any potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the title IV, HEA programs.

Summary of Potential Costs and Benefits

Elsewhere in this preamble we discuss the potential costs and benefits of these proposed regulations under the following headings: *Regulatory Flexibility Act Certification* and *Paperwork Reduction Act of 1995.*

2. Clarity of the Regulations

Executive Order 12866 and the President's Memorandum of June 1, 1998 on ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

- The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:
- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§'' and a numbered heading; for example, *§ 600.5 Proprietary institution of higher education*.)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Entities affected by these proposed regulations are institutions of higher education that participate in the Title IV, HEA programs. These institutions are defined as small entities, according to the U.S. Small Business Administration, if they are: for-profit or nonprofit entities with total revenue of $5,000,000 or less; or entities controlled by governmental entities with populations of 50,000 or less. These proposed regulations would not impose a significant economic impact on a substantial number of small entities. These proposed regulations would ease administrative and regulatory burden, without requiring significant changes to current institutional system operations, by: reducing the required percentage of revenue that a proprietary institution must derive from non-Title IV sources; expanding institutional eligibility for the FFEL program to include foreign veterinary schools with clinical training programs that have been approved by a State since January 1, 1992; simplifying application and certification procedures; expanding the timeframe for institutional certification to six years; and providing for a waiver of the annual audit submission requirement.

The Secretary invites comments from small institutions as to whether the proposed changes would have a significant economic impact on them.

Paperwork Reduction Act of 1995

Section 600.7 contains an information collection requirement. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Collection of Information: Conditions of Institutional Eligibility

Institutions of higher education must maintain certain conditions and requirements to remain eligible to participate in Title IV, HEA programs. Moreover, an institution may become ineligible if it fails to meet, or exceeds certain thresholds as prescribed in the HEA. This regulation monitors the composition of regular student enrollment in the following areas: telecommunications courses, correspondence courses, ability-to-benefit students and incarcerated students, and also enhances the waiver provisions for institutions whose enrollment of incarcerated students exceeds twenty-five percent. The Department needs and uses this information to gauge continuing eligibility.

Every six years, the institution must collect and report this information to the Department. The questions asked to determine compliance are now affirmatively structured, so that an institution will report to the Department if it does exceed any of the prescribed thresholds. There are approximately 5,800 respondents that we anticipate will be reviewed over the six-year period. We estimate the annual reporting and recordkeeping burden for this collection of information to average two hours per respondent for approximately 1,500 respondents in a given year. This measure includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, we estimate the total annual reporting and recordkeeping burden for this collection to be 3,000 hours.

If you want to comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education. You may also send a copy of these comments to the Department representative named in the **ADDRESSES** section of this preamble.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives the comments within 30 days of publication. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review

The campus-based programs (Federal Perkins Loan, Federal Work-Study (FWS), and Federal Supplemental Opportunity Grant (FSEOG) programs), the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) programs, the Federal Pell Grant Program, and the LEAP Program are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to This Document

You may view this document in text or Adobe Portable Document Format (PDF) on the Internet at the following sites:

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(Catalog of Federal Domestic Assistance Numbers: 84.007 Federal Supplemental Educational Opportunity Grant Program; 84.032 Consolidation Program; 84.032 Federal Stafford Loan Program; 84.032 Federal PLUS Program; 84.032 Federal Supplemental Loans for Students Program; 84.033 Federal Work-Study Program; 84.038 Federal Perkins Loan Program; 84.063 Federal Pell Grant Program; 84.069 LEAP; 84.268 William D. Ford Federal Direct Loan Programs; and 84.272 National Early Intervention Scholarship and Partnership Program.)

List of Subjects in

34 CFR Part 600

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 668

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: July 9, 1999.

Richard W. Riley,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary proposes to amend parts 600 and 668 of title 34 of the Code of Federal Regulations as follows:

PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

1. The authority citation for part 600 is amended to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1088, 1091, 1094, 1099b, and 1099(c), unless otherwise noted.

2. In § 600.2, the definition of the term ''State'' is revised to read as follows:

§ 600.2 Definitions.

* * * * *

State: A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also know as the Freely Associated States.

* * * * *

3. In § 600.4, paragraph (c) is revised to read as follows:

§ 600.4 Institution of higher education.

* * * * *

(c) The Secretary does not recognize the accreditation of an institution unless the institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration before initiating any other legal action.

* * * * *

4. In § 600.5, paragraph (h) is removed; paragraph (i) is redesignated as paragraph (h); and paragraphs (a)(8), (b)(3)(i), (d), (e), (f), (g), and redesignated paragraph (h) are revised to read as follows:

§ 600.5 Proprietary institution of higher education.

(a) * * *

(8) Has no more than 90 percent of its revenues derived from title IV, HEA program funds, as determined under paragraph (d) of this section.

(b) * * *

(3) * * *

(i) Counts any period during which the applicant institution has been certified as a branch campus; and

* * * * *

(d)(1) An institution satisfies the requirement contained in paragraph (a)(8) of this section by examining its revenues under the following formula for its latest complete fiscal year:

$$\frac{\text{Title IV, HEA program funds the institution used to satisfy its students' tuition, fees, and other institutional charges to students.}}{\text{The sum of revenues including title IV, HEA program funds generated by the institution from: tuition, fees, and other institutional charges for students enrolled in eligible programs as defined in 34 CFR 668.8; and activities conducted by the institution, to the extent not included in tuition, fees, and other institutional charges, that are necessary for the education or training of its students who are enrolled in those eligible programs.}}$$

(2) An institution must use the cash basis of accounting when calculating the amount of title IV, HEA program funds in the numerator and the total amount of revenue generated by the institution in the denominator of the fraction contained in paragraph (d)(1) of this section.

(3) Under the cash basis of accounting—

(i) In calculating the amount of revenue generated by the institution from institutional loans, the institution must include only the amount of loan repayments received by the institution during the fiscal year; and

(ii) In calculating the amount of revenue generated by the institution from institutional scholarships, the institution must include only the amount of funds it disbursed during the fiscal year from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or interest accrued on those funds.

(e) With regard to the formula contained in paragraph(d)(1) of this section—

(1) The institution may not include as title IV, HEA program funds in the numerator nor as revenue generated by the institution in the denominator—

(i) The amount of funds it received under the Leveraging Educational Assistance Partnership (LEAP) or Federal Work-Study (FWS) programs. (The LEAP Program was formerly called the State Student Incentive Grant or SSIG Program.);

(ii) The amount of institutional funds it used to match title IV, HEA program funds;

(iii) The amount of title IV, HEA program funds that must be refunded or returned under § 668.22; or

(iv) The amount charged for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

(2) In determining the amount of title IV, HEA program funds received by the institution under the cash basis of accounting, except as provided in paragraph (e)(3) of this section, the institution must presume that any title IV, HEA program funds disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, and therefore must include those funds in the numerator and denominator.

(3) In paragraph (e)(2) of this section, the institution may not presume that title IV, HEA program funds were used to pay tuition, fees, and other institutional charges to the extent that those charges were satisfied by—

(i) Grant funds provided by non-Federal public agencies, or private sources independent of the institution;

(ii) Funds provided under a contractual arrangement described in § 600.7(d), or

(iii) Funds provided by State prepaid tuition plans.

(4) With regard to the denominator, revenue generated by the institution from activities it conducts, that are necessary for its students' education or training, includes only revenue from those activities that—

(i) Are conducted on campus or at a facility under the control of the institution;

(ii) Are performed under the supervision of a member of the institution's faculty; and

(iii) Are required to be performed by all students in a specific educational program at the institution.

(f) An institution must notify the Secretary within 90 days following the end of the fiscal year used in paragraph (d)(1) of this section if it fails to satisfy the requirement contained in paragraph (a)(8) of this section.

(g) If an institution loses its eligibility because it failed to satisfy the requirement contained in paragraph (a)(8) of this section, to regain its eligibility it must demonstrate compliance with all eligibility requirements for at least the fiscal year following the fiscal year used in paragraph (d)(1) of this section.

(h) The Secretary does not recognize the accreditation of an institution unless the institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration before initiating any other legal action.

* * * * *

5. In § 600.6, paragraphs (b)(3)(iii) and (c) are revised to read as follows:

§ 600.6 Postsecondary vocational institution.

* * * * *

(b) * * *

(3) * * *

(iii) Counts any period during which the applicant institution has been certified as a branch campus; and

* * * * *

(c) The Secretary does not recognize the accreditation of an institution unless the institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration before initiating any other legal action.

* * * * *

6–7. In § 600.7, paragraphs (a)(1)(iii), (a)(1)(iv), and (c) are revised to read as follows:

§ 600.7 Conditions of institutional ineligibility.

(a) * * *

(1) * * *

(iii) More than twenty-five percent of the institution's regular enrolled students were incarcerated;

(iv) More than fifty percent of its regular enrolled students had neither a high school diploma nor the recognized equivalent of a high school diploma, and the institution does not provide a four-year or two-year educational program for which it awards a bachelor's degree or an associate degree, respectively;

* * * * *

(c) *Special provisions regarding incarcerated students*—(1) *Exception.* The Secretary may waive the prohibition contained in paragraph (a)(1)(iii) of this section, upon the application of an institution, if the institution is a nonprofit institution that provides four-year or two-year educational programs for which it awards a bachelor's degree, an associate degree, or a postsecondary diploma.

(2) *Waiver for entire institution.* If the nonprofit institution that applies for a waiver consists solely of four-year or two-year educational programs for which it awards a bachelor's degree, an associate degree, or a postsecondary diploma, the Secretary waives the prohibition contained in paragraph (a)(1)(iii) of this section for the entire institution.

(3) *Other waivers.* If the nonprofit institution that applies for a waiver does not consist solely of four-year or two-year educational programs for which it awards a bachelor's degree, an associate degree, or a postsecondary diploma, the Secretary waives the prohibition contained in paragraph (a)(1)(iii) of this section—

(i) For the four-year and two-year programs for which it awards a bachelor's degree, an associate degree or a postsecondary diploma; and

(ii) For the other programs the institution provides, if the incarcerated regular students enrolled in those other programs have a completion rate of 50 percent or greater.

* * * * *

8. Section 600.8 is revised to read as follows:

§ 600.8 Treatment of a branch campus.

A branch campus of an eligible institution must be in existence for at least two years as a branch campus after the branch is certified as a branch campus before seeking to be designated as a main campus or a free-standing institution.

(Authority: 20 U.S.C. 1099c)

9. In § 600.31, paragraph (f) is removed.

10. In § 600.55, paragraph (a)(5)(i)(A) is revised to read as follows:

§ 600.55 Additional criteria for determining whether a foreign graduate medical school is eligible to apply to participate in the FFEL programs.

(a) * * *

(5) * * *

(i) * * *

(A) During the academic year preceding the year for which any of the school's students seeks an FFEL program loan, at least 60 percent of those enrolled as full-time regular students in the school and at least 60 percent of the school's most recent graduating class were persons who did not meet the citizenship and residency criteria contained in section 484(a)(5) of the HEA, 20 U.S.C. 1091(a)(5); and

* * * * *

11. Section 600.56 is redesignated as § 600.57.

12. A new § 600.56 is added to read as follows—

§ 600.56 Additional criteria for determining whether a foreign veterinary school is eligible to apply to participate in the FFEL programs.

(a) The Secretary considers a foreign veterinary school to be eligible to apply to participate in the FFEL programs if,

in addition to satisfying the criteria in § 600.54 (except the criterion that the institution be public or private nonprofit), the school satisfies all of the following criteria:

(1) The school provides, and in the normal course requires its students to complete, a program of clinical and classroom veterinary instruction that is supervised closely by members of the school's faculty, and that is provided either—

(i) Outside the United States, in facilities adequately equipped and staffed to afford students comprehensive clinical and classroom veterinary instruction; or

(ii) In the United States, through a training program for foreign veterinary students that has been approved by all veterinary licensing boards and evaluating bodies whose views are considered relevant by the Secretary.

(2) The school has graduated classes during each of the two twelve-month periods immediately preceding the date the Secretary receives the school's request for an eligibility determination.

(3) The school employs for the program described in paragraph (a)(1) of this section only those faculty members whose academic credentials are the equivalent of credentials required of faculty members teaching the same or similar courses at veterinary schools in the United States.

(4) Either—

(i) The veterinary school's clinical training program was approved by a State as of January 1, 1992, and is currently approved by that State; or

(ii) The veterinary school's students complete their clinical training at an approved veterinary school located in the United States.

(Authority: 20 U.S.C. 1082 and 1088)

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

13. The authority citation for part 668 is amended to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

14. In § 668.12, paragraphs (f) and (g) are added and the authority citation is revised to read as follows:

§ 668.12 Application procedures.

* * * * *

(f)(1) *Application for provisional extension of certification.* If an institution participating in the title IV, HEA programs undergoes a change in ownership that results in a change of control as described in § 600.31, the Secretary may continue the institution's participation in those programs on a provisional basis, if the institution under the new ownership submits a ''materially complete application'' that is received by the Secretary no later than 10 business days after the change occurs.

(2) For purposes of this section, an institution submits a materially complete application if it submits a fully completed application form designated by the Secretary supported by—

(i) A copy of the institution's State license or equivalent document that—as of the day before the change in ownership—authorized or will authorize the institution to provide a program of postsecondary education in the State in which it is physically located;

(ii) A copy of the document from the institution's accrediting association that—as of the day before the change in ownership—granted or will grant the institution accreditation status, including approval of the non-degree programs it offers;

(iii) Audited financial statements of the institution's two most recently completed fiscal years that are prepared and audited in accordance with the requirements of § 668.23; and

(iv) Audited financial statements of the institution's new owner's two most recently completed fiscal years that are prepared and audited in accordance with the requirements of § 668.23, or equivalent information for that owner that is acceptable to the Secretary.

(g) *Terms of the extension.* (1) If the Secretary approves the institution's materially complete application, the Secretary provides the institution with a provisional Program Participation Agreement (PPA). The provisional PPA extends the terms and conditions of the program participation agreement that were in effect for the institution before its change of ownership.

(2) The provisional PPA expires on the earlier of—

(i) The date on which the Secretary signs a new program participation agreement;

(ii) The date on which the Secretary notifies the institution that its application is denied; or

(iii) The last day of the month following the month in which the change of ownership occurred, unless the provisions of paragraph (f)(3) of this section apply.

(3) If the provisional PPA will expire under the provisions of paragraph (f)(2)(iii) of this section, the Secretary extends the provisional PPA on a month-to-month basis after the expiration date described in paragraph (f)(2)(iii) of this section if, prior to that expiration date, the institution provides the Secretary with—

(i) A ''same day'' balance sheet showing the financial position of the institution, as of the date of the ownership change, that is prepared in accordance with ''GAAP'' (Generally Accepted Accounting Principles published by the Financial Accounting Standards Board) and audited in accordance with ''GAGAS'' (Generally Accepted Government Auditing Standards published by the U.S. General Accounting Office);

(ii) If not already provided, approval of the change of ownership from the State in which the institution is located by the agency that authorizes the institution to legally provide postsecondary education in that State;

(iii) If not already provided, approval of the change of ownership from the institution's accrediting agency; and

(iv) A default management plan unless the institution is exempt from providing that plan under 34 CFR 668.14(b)(15).

* * * * *

(Authority: 20 U.S.C. 1001, 1002, 1088, and 1099c)

15. In § 668.13, paragraph (b)(1) is amended by removing ''four years'' in the second sentence, and adding, in its place, ''six years''.

16. Section 668.14 is amended by removing paragraphs (d) and (e); by redesignating paragraphs (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively; by removing and reserving paragraph (b)(16); by revising paragraphs (b)(15), (b)(20), and (b)(24); and by adding a new paragraph (d), to read as follows:

§ 668.14 Program participation agreement.

* * * * *

(b) * * *

(15)(i) Except as provided under paragraph (b)(15)(ii) of this section, the institution will use a default management plan approved by the Secretary with regard to its administration of the FFEL or Direct Loan programs, or both for at least the first two years of its participation in those programs, if the institution—

(A) Is participating in the FFEL or Direct Loan programs for the first time; or

(B) Is an institution that has undergone a change of ownership that results in a change in control and is participating in the FFEL or Direct Loan programs.

(ii) The institution does not have to use an approved default management plan if—

(A) The institution, including its main campus and any branch campus, does

not have a cohort default rate in excess of 10 percent; and

(B) The owner of the institution does not, and has not, owned any other institution with a cohort default rate in excess of 10 percent.

(iii) The Secretary approves any default management plan that incorporates the default reduction measures described in appendix D to this part;

* * * * *

(20) In the case of an institution that is co-educational and has an intercollegiate athletic program, it will comply with the provisions of § 668.48;

* * * * *

(24) It will comply with the requirements of § 668.22;

* * * * *

(d)(1) The institution, if located in a State to which section 4(b) of the National Voter Registration Act (42 U.S.C. 1973gg–2(b)) does not apply, will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make those forms widely available to students at the institution.

(2) The institution must request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institution is not liable for not meeting the requirements of this section during that election year.

(3) This paragraph applies to elections as defined in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1)), and includes the election for Governor or other chief executive within such State.

* * * * *

17. A new § 668.27 is added to read as follows:

§ 668.27 Waiver of annual audit submission requirement.

(a) *General.* (1) At the request of an institution, the Secretary may waive the annual audit submission requirement for the period of time contained in paragraph (b) of this section if the institution satisfies the requirements contained in paragraph (c) of this section and posts a letter of credit in the amount determined in paragraph (d) of this section.

(2) An institution requesting a waiver must submit an application to the Secretary at such time and in such manner as the Secretary prescribes.

(b) *Waiver period.* (1) If the Secretary grants the waiver, the institution need not submit its next annual compliance or audited financial statement until six months after—

(i) The end of the third fiscal year following the fiscal year for which the institution last submitted a compliance audit and audited financial statement; or

(ii) The end of the second fiscal year following the fiscal year for which the institution last submitted compliance and financial statement audits if the award year in which the institution will apply for recertification is part of the third fiscal year.

(2) The Secretary does not grant a waiver if the award year in which the institution will apply for recertification is part of the second fiscal year following the fiscal year for which the institution last submitted compliance and financial statement audits.

(3) When an institution must submit its next compliance and financial statement audits under paragraph (b)(1) of this section—

(i) The institution must submit a compliance audit that covers the institution's administration of the title IV, HEA programs for the period from the last waiver, and an audited financial statement for its last fiscal year; and

(ii) The auditor who conducts the audit must audit the institution's annual determinations for the period subject to the waiver that it satisfied the 90/10 rule in § 600.5(d) and (e) and the other conditions of institutional eligibility in § 600.7, and disclose the results of the audit of the 90/10 rule for each year in accordance with § 668.23(d)(4).

(c) *Criteria for granting the waiver.* The Secretary grants a waiver of the annual audit requirement to an institution if the institution—

(1) Is not a foreign institution;

(2) Did not disburse $200,000 or more of title IV, HEA program funds during each of the two completed award years preceding the institution's waiver request;

(3) Agrees to keep records relating to each award year in the unaudited period for two years after the end of the record retention period in § 668.24(e) for that award year;

(4) Has participated in the title IV, HEA programs under the same ownership for at least three award years preceding the institution's waiver request;

(5) Is financially responsible under § 668.171, and does not rely on the alternative standards of § 668.175 to participate in the title IV, HEA programs;

(6) Is not on the reimbursement or cash monitoring system of payment;

(7) Has not been the subject of a limitation, suspension, fine, or termination proceeding, or emergency action initiated by the Department or a guarantee agency in the three years preceding the institution's waiver request;

(8) Has submitted its compliance audits and audited financial statements for the previous two fiscal years in accordance with and subject to § 668.23, and no individual audit disclosed liabilities in excess of $10,000; and

(9) Submits a letter of credit in the amount determined in paragraph (d) of this section, which must remain in effect until the Secretary has resolved the audit covering the award years subject to the waiver.

(d) *Letter of credit amount.* For purposes of this section, the letter of credit amount equals 10 percent of the amount of title IV, HEA program funds the institution disbursed to or on behalf of its students during the award year preceding the institution's waiver request.

(e) *Rescission of the waiver.* The Secretary rescinds the waiver if the institution—

(1) Disburses more than $200,000 of title IV, HEA program funds for an award year;

(2) Undergoes a change in ownership that results in a change of control; or

(3) Becomes the subject of an emergency action or a limitation, suspension, fine, or termination action initiated by the Department or a guarantee agency.

(f) *Renewal.* An institution may request a renewal of its waiver when it submits its audits under paragraph (b) of this section. The Secretary grants the waiver if the audits and other information available to the Secretary show that the institution continues to satisfy the criteria for receiving that waiver.

(Authority: 20 U.S.C. 1094)

18. In § 668.92, a new paragraph (d) is added and the authority citation is revised to read as follows:

§ 668.92 Fines.

* * * * *

(d)(1) Notwithstanding any other provision of statute or regulation, any individual described in paragraph (d)(2) of this section, in addition to other penalties provided by law, is liable to the Secretary for amounts that should have been refunded or returned under § 668.22 of the title IV program funds not returned, to the same extent with respect to those funds that such an

individual would be liable as a responsible person for a penalty under section 6672(a) of Internal Revenue Code of 1986 with respect to the nonpayment of taxes.

(2) The individual subject to the penalty described in paragraph (d)(1) is any individual who—

(i) The Secretary determines, in accordance with § 668.174(c), exercises substantial control over an institution participating in, or seeking to participate in, a program under this title;

(ii) Is required under § 668.22 to return title IV program funds to a lender or to the Secretary on behalf of a student or borrower, or was required under § 668.22 in effect on June 30, 2000 to return title IV program funds to a lender or to the Secretary on behalf of a student or borrower; and

(iii) Willfully fails to return those funds or willfully attempts in any manner to evade that payment.

(Authority: 20 U.S.C. 1094 and 1099c)

19. In § 668.95, a new paragraph (d) is added and the authority citation is revised to read as follows:

§ 668.95 Reimbursements, refunds and offsets.

* * * * *

(d) If an institution's violation in paragraph (a) of this section results from an administrative, accounting, or recordkeeping error, and that error was not part of a pattern of error, and there is no evidence of fraud or misconduct related to the error, the Secretary permits the institution to correct or cure the error. If the institution corrects or cures the error, the Secretary does not limit, suspend, terminate, or fine the institution for that error.

(Authority: 20 U.S.C. 1094 and 1099c–1)

20. In § 668.113, a new paragraph (d) is added and the authority citation is revised to read as follows:

§ 668.113 Request for review.

* * * * *

(d)(1) If an institution's violation that resulted in the final audit determination or final program review determination in paragraph (a) of this section results from an administrative, accounting, or recordkeeping error, and that error was not part of a pattern of error, and there is no evidence of fraud or misconduct related to the error, the Secretary permits the institution to correct or cure the error.

(2) If the institution is charged with a liability as a result of an error described in paragraph (d)(1) of this section, the institution cures or corrects that error with regard to that liability if the cure or correction eliminates the basis for the liability.

* * * * *

(Authority: 20 U.S.C. 1094 and 1099c–1)

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July 15, 1999

Part V

Department of Housing and Urban Development

24 CFR Part 290

Multi-Family Housing; Up-Front Grants and Loans in the Disposition; Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 290

[Docket No. FR–4310–P–01]

RIN 2502–AH12

Up-Front Grants and Loans in the Disposition of Multifamily Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish generally applicable requirements to govern the use of up-front grants and loans in the disposition of HUD-owned multifamily properties by defining the projects, sales, and purchasers eligible for up-front grants and loans, and setting both a maximum per-unit and overall cap for up-front grant amounts. This proposed rule would promote the affordability and viability of multifamily housing projects.

DATES: *Comments Due Date:* September 13, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. FAXED comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Marc Harris, Supervisory Project Manager, Office of Portfolio Management in Multifamily Housing, Department of Housing and Urban Development, Room 6164, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–2654. Hearing or speech-impaired individuals may call 1–800–877–8339 (Federal Information Relay Service TTY). (Other than the ''800'' number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

HUD's statutory authority to manage and dispose of HUD-held multifamily housing projects is contained in section 207(k) and (l) of the National Housing Act, in section 203 of the Housing and Community Development Amendments of 1978 (HCDA 1978) and in section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (approved September 26, 1996, Public Law 104–204), (FY 1997 Appropriations Act). HCDA 1978 section 203 was amended by the Multifamily Housing Property Disposition Reform Act of 1994 (MHPDRA) (Public Law 102–233, approved April 11, 1994) which authorized the use of up-front grants for the necessary cost of rehabilitation and other related development costs at section 203(f)(4). This section also authorizes project-based assistance under section 8 of the United States Housing Act of 1937 as the source of funding for the up-front grants.

The Department's authority and discretion in matters relating to the disposition of multifamily housing projects was expanded by section 204 which permits HUD to manage and dispose of multifamily properties owned by the Secretary, ''on such terms and conditions as the Secretary may determine''. Section 204 was amended by section 213 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (approved October 27, 1997, Public Law 105–65) (FY 1998 Appropriations Act). Section 213 clarified that the General Insurance Fund could be used to provide grants and loans for the necessary costs of rehabilitation or demolition, but limited this authority to FYs 1997 and 1998. Section 206 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, (approved October 21, 1998, Pub.L. 105–276) (FY 1999 Appropriations Act) extends this authority for an additional year, through FY 1999. The use of the General Insurance Fund as authorized in these appropriations Acts, however, is limited to grants and loans for rehabilitation or demolition activities. Section 8 project-based assistance is the only source of up-front grant funding for total rebuilding. The FY 1999 Appropriations Act, however, did not provide any Section 8 project-based funds for property disposition.

The discretion conferred under section 204 of the FY 1997 Appropriations Act, as amended by the FYs 1998 and 1999 Appropriations Acts, is very broad, and HUD is, therefore, proposing this rule to implement generally applicable requirements for up-front grants and loans. The procedures in this rule would be followed for all up-front grants and loans made with whatever funds are authorized and available. If Section 8 project-based assistance is not available, or if the authorization to use the General Insurance Fund is not extended beyond FY 1999, up-front grants and loans will not be available as an option in the disposition of multifamily projects.

This rule would add a new § 290.27 to part 290 to implement generally applicable requirements for eligible projects, sales and purchasers, and for a maximum grant or loan amount on a per-unit basis. Until the regulation takes effect, those portions of the Guidance Memorandum issued February 27, 1997, which conform with applicable statutes and regulations, may be used on a case-by-case basis.

HUD's goal in promulgating generally applicable eligibility requirements for up-front grants and loans is to promote the affordability and viability of multifamily housing projects. Under this proposed rule, to be eligible for an up-front grant or loan, a project would have to be currently serving very low-income residents (at least 50% of units occupied by very low-income residents at the time HUD approves a Disposition Program); be located in a housing market with a need for affordable housing (vacancy rate of habitable, affordable, multifamily housing is 4% or less); and generate sufficient income after rehabilitation or rebuilding to be viable and provide affordable housing for at least 20 years or the term of the loan, whichever is shorter.

The rule would also limit the use of up-front grants or loans in negotiated sales, which involve no competitive bidding among prospective purchasers, to three categories of purchasers: (1) the unit of general local government, including a public housing agency in the area in which the project is located, (2) the State in which the project is located, or (3) an agency of the federal government. Otherwise, an up-front grant or loan will only be considered as a possible option in a competitive sale. HUD has determined that these general limitations are appropriate measures to limit its exposure to loss and conserve housing resources. Making an up-front grant or loan an option in a negotiated sale with a unit of government is consistent with the statutory right, under HCDA 1974 section 203, of first refusal accorded such entities. State and local governments would also be more familiar and involved with local plans and needs, and would have greater authority and capacity to control local factors that could affect the viability and affordability of the project. In all other cases, a competitive sale is more appropriate to permit choice among a

range of plans and ensure the best use of up-front grant or loan amounts.

This rule would also provide for a grant or loan limit of 50 percent of the total development cost (TDC) per project, which may not exceed $40,000 per affordable, finished unit. The actual grant or loan amount provided within these limits will be determined on a case-by-case basis depending upon rehabilitation, demolition, rebuilding, and other development costs approved by HUD. It will be the responsibility of the purchaser to obtain funds for the remaining rehabilitation, demolition or development costs. HUD has determined that it is appropriate to give the purchaser this responsibility because the purchaser's ability to raise the balance of funds necessary to complete the project provides assurance that other lenders or contributors have made an independent determination that the proposed plan for the project is viable, and that they are willing to commit to its success.

II. Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements for the disposition of multifamily housing projects under 24 CFR part 290 have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2502–0204. This rule does not contain additional information collection requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW, Washington, DC 20410.

Regulatory Planning and Review

This rule has been reviewed in accordance with Executive Order 12866 (captioned ''Regulatory Planning and Review'') and determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not economically significant regulatory action under the Order). Any changes made to this rule as a result of that review are available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

Regulatory Flexibility Act

The Secretary, in accordance with provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. These requirements address only one aspect (up-front grants) of the requirements governing the management and disposition of HUD-owned multifamily housing projects, and should not affect the ability of small entities, relative to larger entities, to bid for and acquire projects that HUD determines to sell. Nevertheless, HUD is soliciting comment specifically to elicit issues of importance to small entities.

Executive Order 12612, Federalism

HUD has determined, in accordance with Executive Order 12612, *Federalism,* that this rule will not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. The specific requirements of this rule do not impose any additional terms and conditions on States or local governments that acquire projects under this rule, and therefore no further review is necessary or appropriate.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Program number and title is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 290

Low- and moderate-income housing, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, part 290 of title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 290—MANAGEMENT AND DISPOSITION OF HUD-OWNED MULTIFAMILY PROJECTS AND CERTAIN MULTIFAMILY PROJECTS SUBJECT TO HUD-HELD MORTGAGES

1. The authority citation for 24 CFR part 290 continues to read as follows:

Authority: 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b; 42 U.S.C. 3535(d) and 3535(i).

2. A new § 290.27 is added to subpart A to read as follows:

§ 290.27 Up-front grants and loans.

(a) *General.* HUD may provide up-front grants and loans for rehabilitation, demolition, rebuilding and other related development costs as part of the disposition of a multifamily housing project that is HUD-owned, upon making a determination that such a grant or loan would be more cost-effective than project-based rental assistance.

(b) *Eligible projects.* An up-front grant or loan can be made available in the sale of a HUD-owned multifamily housing project that:

(1) Has more than 50% of the units in the project occupied by very low-income residents at the time a disposition plan is approved by HUD;

(2) Is located in a housing market or submarket in which there is not sufficient habitable, affordable, rental housing, as defined in § 290.3;

(3) Will generate, after rehabilitation or rebuilding, sufficient rental income in a competitive market to cover all operating expenses, meet after sale debt service requirements, fund required reserves and throw-off positive cash flow;

(4) Will provide affordable housing for at least 20 years or the term of the loan, whichever is shorter, after the rehabilitation and/or rebuilding is completed; and

(5) Meets such other requirements, including deed restrictions, loan provisions, and monetary penalties for non-performance, as HUD may determine are appropriate on a case-by-case basis.

(c) *Eligible sales and purchasers*—(1) *Negotiated sales to governmental entities.* A negotiated sale of a project with an up-front grant or loan can only be made to the unit of general local government, which includes public housing agencies, in the area in which the project is located; or a State agency designated by the chief executive officer of the State in which the project is located; or an agency of the Federal government.

(2) *Other sales and purchasers.* All sales which provide up-front grants or loans to entities other than those described in paragraph (c)(1) of this section must be conducted through a competitive selection process. All general and limited partnerships or their nominees, joint ventures or other entities assembled for purposes of purchasing the project and which have

a governmental entity as a partner or other participant are considered profit motivated purchasers and not governmental entities, whether or not there is a non-profit, public, corporate or individual general partner.

(d) *Up-front grant or loan amount.* The maximum that HUD will fund per project in an up-front grant or loan is 50 percent of total development cost (TDC), or $40,000 per affordable, finished unit, whichever amount is less. TDC covers construction materials, artisan services, professional services, developers services, and overhead, relocation and operating losses that are incurred to plan, perform and complete repairs or rebuilding.

Dated: March 25, 1999.

William Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

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LIST OF PUBLIC LAWS

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H.R. 435/P.L. 106–36

Miscellaneous Trade and Technical Corrections Act of 1999 (June 25, 1999; 113 Stat. 127)

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