

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-1318-DR]****Virginia; Amendment No. 1 to Notice of
a Major Disaster Declaration****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice.**SUMMARY:** This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA-1318-DR), dated February 28, 2000, and related determinations.**EFFECTIVE DATE:** March 7, 2000.**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 28, 2000:

Newport News City for debris removal (Category A), emergency protective measures (Category B), and utilities (Category F) under Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,*Executive Associate Director, Response and Recovery Directorate.*

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BILLING CODE 6718-02-P**FEDERAL LABOR RELATIONS
AUTHORITY****[FLRA Docket No. 0-NG-2353]****Notice of Opportunity To Submit Amici
Curiae Briefs in a Negotiability
Proceeding Pending Before the
Federal Labor Relations Authority****AGENCY:** Federal Labor Relations
Authority.**ACTION:** Notice of the opportunity to file briefs as amici curiae in a proceeding

before the Federal Labor Relations Authority in which the Authority has been asked to reconsider how management's statutory rights to direct employees and to assign work should be interpreted in relation to proposals that establish the number of performance rating levels for individual job elements and summary ratings.

SUMMARY: The Federal Labor Relations Authority is providing an opportunity for all interested parties to file briefs as amici curiae on significant issues arising in a case pending before the Authority. The Authority is considering the case pursuant to its responsibilities under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101-7135 (the Statute) and its regulations set forth at 5 CFR part 2424. The issue concerns how management's rights to direct employees and assign work under section 7106(a)(2)(A) and (B) of the Statute should be interpreted in relation to proposals that establish the number of performance rating levels for individual job elements and summary ratings.**DATES:** Briefs submitted in response to this notice will be considered if received by mail or by personal or commercial delivery in the Authority's Office of Case Control by 5 p.m. on April 13, 2000. Placing submissions in the mail by this deadline will not be sufficient. Extensions of time to submit briefs will not be granted.**FORMAT:** All briefs shall be captioned "*National Association of Government Employees, Local R3-10 and U.S. Department of Transportation, Federal Aviation Administration, Washington, D.C., Case No. NG-2353.*" Briefs must contain separate, numbered topic headings corresponding to the four questions at the end of this notice. Parties must submit an original and four copies of each amicus brief, on 8½ by 11 inch paper. Briefs must include a signed and dated statement of service that complies with the Authority's regulations showing service of one copy of the brief on all counsel of record or other designated representatives. 5 CFR 2429.27(a) and (c). The designated representatives are:George L. Reaves, Jr., Union Representative, National Association of Government Employees, 36 Wine Street, Hampton, VA 23669;
Ron Frampton, Agency Representative, Federal Aviation Administration, 800 Independence Ave., SW, AHR-12, Washington, DC 20591.**ADDRESSES:** Mail or deliver briefs to Peter Constantine, Director, Case

Control Office, Federal Labor Relations Authority, 607 14th Street, NW, Room 415, Washington, DC 20424-0001.

FOR FURTHER INFORMATION CONTACT: Peter Constantine, Director, Case Control Office, Federal Labor Relations Authority, (202) 482-6540.**SUPPLEMENTARY INFORMATION:** The case presenting the issues on which amicus briefs are being solicited is before the Authority on a petition for review of negotiability issues filed by the National Association of Government Employees, Local R3-10 (NAGE/Union) under section 7105(a)(2)(E) of the Statute. The Union requests that the Authority reconsider its precedent that proposals that establish the number of rating levels for individual performance elements and for summary performance ratings violate management's rights to direct employees and assign work under section 7106(a)(2)(A) and (B) of the Statute and are outside the duty to bargain. To assist interested persons in responding, the Authority offers the following background on the case, summary of the relevant precedent, and questions on which amicus views are being sought.**A. Background**

The negotiability dispute in this case arose in the context of the parties' negotiations for an initial collective bargaining agreement that would cover a unit of the Federal Aviation Administration's (FAA/Agency's) Air Traffic Assistants. The Agency and the Union executed a Memorandum of Understanding (MOU) which served as an interim supplement to FAA Order 3500.7 regarding its Performance Management System.

The Agency established a new Performance Planning and Recognition System that recognized two rating levels of performance for individual job elements and summary ratings. In response, the Union submitted two proposals that specified three rating levels for individual job elements and summary ratings consistent with the former system and the parties' MOU. The Union filed a petition for review of negotiability issues with the Authority after the Agency declared these proposals nonnegotiable.

During the parties' negotiations, Congress enacted two pieces of legislation that are relevant to the Agency's personnel management activities. First, in November 1995, Congress enacted the Department of Transportation and Related Agencies Appropriation Act of 1996, Pub. L. No. 104-50, Title III, section 347, 109 Stat. 460 (1995), as amended by Pub. L. 104-