

9:00 am and run until approximately 5:00 pm.

The third committee meeting will be held on May 25 and May 26, 1999. On May 25, 1999, the meeting will begin at approximately 9:30 am and run until completion; on May 26, 1999 the meeting will begin at approximately 9:00 am and run until approximately 5:00 pm.

ADDRESSES: The second committee meeting will take place at the Westin Fairfax Hotel, 2100 Massachusetts Avenue, Washington, DC 20008; telephone (202) 293-2100.

The third committee meeting will take place at the Channel Inn Hotel, 650 Water Street, SW, Washington, DC 20024; telephone 1-800-368-5668 or (202) 554-2400.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On April 26, 1999 (64 FR 20234), HUD published a **Federal Register** notice announcing the establishment of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation. The April 26, 1999 notice also announced the committee members, and the dates, location, and agenda for the first committee meeting. The purpose of the committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs).

The second and third meetings of the negotiated rulemaking committee will take place as described in the **DATES** and **ADDRESSES** section of this notice.

The agenda planned for the committee meetings includes: (1) defining the goals for the Capital Fund formula; (2) discussing the various methods for translating these goals into a formula-based allocation system; and (3) the scheduling of future meetings.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting notice at least 15 calendar days before the date of an advisory committee meeting. The GSA regulations,

however, also provide that an agency may give less than 15 days notice if the reasons for doing so are included in the **Federal Register** meeting notice. (See 41 CFR 101-6.1015(b).) Due to the difficulty in obtaining suitable hotel and conference room accommodations in the Washington, DC area during April, 1999, it has not been possible for HUD to announce the date and location of the second committee meeting before today. Given the October 1, 1999 statutory deadline for implementation of the Capital Fund formula, HUD believes it is imperative that the negotiations for development of the formula not be delayed. Failure to publish the Capital Fund final rule on a timely basis will delay the provision of capital subsidies to PHAs. Accordingly, rather than defer the negotiations, HUD has decided to proceed with the second committee meeting on May 11 and May 12, 1999.

The meetings will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: May 5, 1999.

Deborah Vincent,
General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 99-11718 Filed 5-6-99; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF JUSTICE

Federal Prison Industries, Inc.

28 CFR Part 302

[BOP 1081-P]

RIN 1120-AA84

Federal Prison Industries, Inc. (FPI) Standards and Procedures That Facilitate FPI's Ability To Accomplish Its Mission

AGENCY: Federal Prison Industries, Inc., Justice.

ACTION: Proposed rule; clarification.

SUMMARY: Federal Prison Industries, Inc. (FPI) proposed codification of its "Standards and Procedures that Facilitate FPI's ability to Accomplish its

Mission" was published on January 7, 1999 (64 FR 1082). The comment period in this rulemaking expires on May 10, 1999 (64 FR 11821). FPI will give careful consideration to the comments received in this proceeding. Final action in this rulemaking will not occur before September 1, 1999.

FOR FURTHER INFORMATION CONTACT:

Marianne S. Cantwell, Corporate Counsel, Federal Prison Industries, Inc., phone (202) 305-3501.

Marianne S. Cantwell,

Acting Chief Operating Officer, Federal Prison Industries, Inc.

[FR Doc. 99-11518 Filed 5-6-99; 8:45 am]

BILLING CODE 4410-05-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Procedural Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Federal Mine Safety and Health Review Commission (the "Commission") is an independent adjudicatory agency that provides trial and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (1994) (the "Mine Act"). On May 7, 1998, the Commission published a proposed rule, proposing revisions to several of its rules of procedure. See 63 FR 25183-87 (May 7, 1998). The Commission is supplementing that proposed rule with additional proposed procedural rule revisions which were not included in the May 7 publication.

DATES: Written comments must be submitted on or before May 28, 1999.

ADDRESSES: Comments may be mailed to Norman Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. Persons submitting comments shall provide an original and three copies of their comments.

FOR FURTHER INFORMATION CONTACT:

Norman M. Gleichman, General Counsel, Office of the General Counsel, 1730 K Street, NW, 6th Floor, Washington, DC 20006, telephone 202-653-5610 (202-566-2673 for TDD Relay). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission initially adopted its rules of procedure in June 1979. See 44 FR 38227 (June 29, 1979). In March 1993, the Commission published significant revisions to its procedural rules, reflecting more than 10 years' experience with the rules and evolving Commission case law. See 58 FR 12158 (March 3, 1998). In May 1998, the Commission published proposed revisions to several of the rules in an attempt to address problems that were unforeseen in 1993. See 63 FR 25183 (May 7, 1998). Those proposed rules included revisions relating to motion practice before the Commission, expansions of the requirements for certain pleadings, and revisions and clarifications for filing pleadings in temporary reinstatement proceedings. See 63 FR 25183-87. The Commission permitted written comments on those proposed rules to be submitted on or before August 5, 1998. The only written comments received by the Commission were submitted by the Department of Labor's Office of the Solicitor on behalf of the Mine Safety and Health Administration ("MSHA"). In addition to commenting on the published proposed revisions, MSHA suggested additional revisions which were not included in the May 7 publication. The Commission believes that some of those additional revisions are appropriate. In addition, recent developments in proceedings before the Commission have brought to light other rules requiring revision and clarification. The Commission is providing this opportunity for comment on these proposals from members of the mining community and the public.

In these supplemental proposed rules, the Commission has clarified requirements concerning when service on an attorney or other authorized representative is required. See proposed §§ 2700.3(c) and 2700.7(d). For example, under proposed § 2700.7(d), the Commission proposes that service on an attorney or other authorized representative is required only after that attorney or representative has formally entered an appearance on behalf of a party pursuant to proposed § 2700.3(c). Proposed § 2700.3(c) clarifies the manner of and time for making such an entry of appearance.

In addition, the Commission proposes expanding the requirements for the format of pleadings. See proposed § 2700.5(f). The proposed revisions, which include additional requirements concerning spacing and typeface size, are designed to insure adherence to page limits imposed by the rules.

Finally, the Commission proposes to increase the page limit for response briefs. See proposed § 2700.75(c). The proposed revision subjects response briefs to the same 35-page limit currently imposed on opening briefs.

Although these rules are procedural in nature and do not require notice and comment publication under the Administrative Procedure Act (see 5 U.S.C. 553(b)(3)(A)), the Commission is inviting and will consider public comment on these proposed revisions. A section-by-section explanation of the proposed changes is set forth below.

II. Section-by-Section Analysis

General Provisions

Section 2700.3 Who May Practice

Currently, § 2700.3(c) provides that an entry of appearance by a representative of a party is made by, among other things, signing the first document filed on behalf of the party. See 29 CFR 2700.3(c). The rule is somewhat ambiguous regarding the agency where the document must be filed, and whether the document refers only to pleadings.

The Commission proposes revising § 2700.3(c) to clarify that the first document filed on behalf of the party in making an entry of appearance shall be the first document filed with the Commission or Commission judge. This revision is intended to delineate when an entry of appearance occurs. The proposed revision also clarifies that the documents that may serve as an entry of appearance shall be only those filed with the Commission or Commission judge in a proceeding under the Mine Act or the Commission's procedural rules, and not documents filed with MSHA. All documents filed with the Commission or its judges are processed in its three central offices in Denver, Colorado; Falls Church, Virginia; and Washington, DC. In contrast, MSHA processes documents in numerous regional offices, some of which, because of their specific and distinct functions, forward documents they receive to other MSHA offices. The Commission anticipates that an entry of appearance will be less likely to be misdirected if it is sent to the Commission or its judges.

The proposed revisions to § 2700.3(c) are intended to be consistent with the definition of "party" set forth in § 2700.4(a). Section 2700.4(a) currently provides in part that "[a] person, including the Secretary or an operator, who is named as a party or who is permitted to intervene, is a party." 29 CFR 2700.4(a). Proposed § 2700.3(c)

refers to actions that may be taken by a representative of a "party" in order to enter an appearance. Thus, reading current § 2700.4(a) with proposed § 2700.3(c), an entry of appearance by an attorney or other authorized representative cannot be made before the represented operator or individual achieves party status as defined in § 2700.4(a). In some circumstances, however, an entry of appearance may be made at the same time that an operator or individual achieves party status. For instance, upon the filing of a notice of contest of a citation or order with the Commission by an authorized representative on behalf of an operator, the operator is named as a party, thereby achieving party status under current § 2700.4(a), and the attorney filing the contest enters an appearance under proposed § 2700.3(c) by filing the document with the Commission.

Section 2700.5 General Requirements for Pleadings and Other Documents; Status or Informational Requests

In its comments to the Commission, MSHA requests that § 2700.75(e) be revised to specify that all briefs be double-spaced using a typeface designated by the Commission, to avoid any evasion of the requirements for page limits. Currently, the Commission's procedural rules contain no formatting requirements, with the exception of § 2700.5(f), which requires that pleadings and documents be 8½ by 11 inches in size. See 29 CFR 2700.5(f).

The Commission agrees that its current procedural rules should be revised to set forth standard requirements for pleading format in order to enhance compliance with page limitations. Because it believes that such requirements should apply to all pleadings filed with the Commission and its judges, the Commission has included such requirements in proposed § 2700.5(f), which applies to all pleadings, rather than in § 2700.75, which applies only to briefs before the Commission.

In the proposed revisions, the Commission has set forth requirements for margins, font size and spacing and included a general prohibition against excessive footnotes. In addition, the Commission has proposed a revision permitting the Commission to reject a brief based on the failure to comply with the requirements of the subsection or on the use of compacted or otherwise compressed printing features. To avoid affecting basic appeal rights, the Commission has limited the provision by allowing only the rejection of briefs,

rather than petitions for discretionary review.

Section 2700.7 Service

Based on recent proceedings before the Commission, the Commission believes that its current procedural rules should be revised to clarify when service on an attorney or other authorized representative is required, particularly in circumstances in which a person or operator has retained counsel prior to issuance of the initial document in a proceeding. *See Roger Richardson*, 20 FMSHRC 1259 (Nov. 1998) (involving proceeding under 30 U.S.C. 820(c), in which proposed penalty assessment was mailed to individual's former residence rather than to counsel who was retained prior to issuance of proposed penalty assessment). Accordingly, the Commission has proposed an amendment to § 2700.7(d) which clarifies that service on an attorney or other authorized representative is required after that representative has formally entered an appearance pursuant to proposed revisions to § 2700.3(c).

Currently, § 2700.7(d) provides that whenever a party is represented by an attorney or other authorized representative, subsequent service shall be made upon the attorney or other authorized representative. *See* 29 CFR 2700.7(d). The current rule is somewhat ambiguous regarding whether service is required after a representative has entered an appearance on behalf of the party, or whether service is required after a party has retained that representative.

The Commission proposes to revise § 2700.7(d) to provide that service is required on an attorney or other authorized representative only after that attorney or representative has formally entered an appearance on behalf of the party in the manner prescribed in proposed § 2700.3(c). Thus, even if an operator or individual retains counsel prior to the initiation of a proceeding under the Mine Act, the counsel need not be served until after he or she makes a formal entry of appearance pursuant to proposed § 2700.3(c).

Review by the Commission

Section 2700.75 Briefs

In the comments filed with the Commission, MSHA requests that § 2700.75 be revised to increase the page limit for response briefs from 25 pages to 35 pages. The Commission agrees that such a revision is appropriate. Section 2700.75(c) currently provides that

opening briefs shall not exceed 35 pages, response briefs shall not exceed 25 pages, and reply briefs shall not exceed 15 pages. *See* 29 CFR 2700.75(c). The Commission believes that revising the page limit for response briefs to correspond with the page limit for opening briefs is appropriate given the similar substantive requirements for opening and response briefs. In addition, it agrees that such a revision is particularly appropriate in view of the opportunity for a petitioner to file an additional 15 pages in the form of a reply brief.

III. Matters of Regulatory Procedure

The Commission has determined that these rules are not subject to Office of Management and Budget review under Executive Order 12866.

The Commission has determined under the Regulatory Flexibility Act (5 U.S.C. 601–612) that these rules, if adopted, would not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Statement and Analysis has not been prepared.

The Commission has determined that the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because these rules do not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 29 CFR Part 2700

Administrative practice and procedure.

For the reasons set out in the preamble, it is proposed to amend 29 CFR Part 2700 as follows:

PART 2700—PROCEDURAL RULES

1. The authority citation for Part 2700 continues to read as follows:

Authority: 30 U.S.C. 815, 820 and 823.

2. Section 2700.3 is amended by revising paragraph (c) to read as follows:

§ 2700.3 Who may practice

* * * * *

(c) *Entry of appearance.* A representative of a party shall enter an appearance in a proceeding under the Act or these procedural rules by signing the first document filed on behalf of the party with the Commission or Judge; filing a written entry of appearance with the Commission or Judge; or, if the Commission or Judge permits, by orally entering an appearance in open hearing.

* * * * *

3. Section 2700.5 as proposed to be revised in 63 FR at 25186 is further amended by revising paragraph (f) to read as follows:

§ 2700.5 General requirements for pleadings and other documents; status or informational requests.

* * * * *

(f) *Form of pleadings.* All printed material shall appear in at least 12 point type on paper 8½ by 11 inches in size, with margins of at least one inch on all four sides. Text and footnotes shall appear in the same size type. Text shall be double spaced. Headings and footnotes may be single spaced. Quotations of 50 words or more may be single spaced and indented left and right. Excessive footnotes are prohibited. The failure to comply with the requirements of this subsection or the use of compacted or otherwise compressed printing features will be grounds for rejection of a brief.

* * * * *

4. Section 2700.7 as proposed to be revised in 63 FR at 25186 is further amended by revising paragraph (d) to read as follows:

§ 2700.7 Service.

* * * * *

(d) *Service upon representative.* Whenever a party is represented by an attorney or other authorized representative who has entered an appearance on behalf of such party pursuant to § 2700.3(c), service thereafter shall be made upon the attorney or other authorized representative.

* * * * *

5. Section 2700.75 as proposed to be revised at 63 FR at 25187 is further amended by revising paragraph (c) to read as follows:

§ 2700.75 Briefs.

* * * * *

(c) *Length of brief.* Except by permission of the Commission and for good cause shown, opening and response briefs shall not exceed 35 pages, and reply briefs shall not exceed 15 pages. A brief of an amicus curiae shall not exceed 25 pages. A brief of an intervenor shall not exceed the page limitation applicable to the party whose position it supports in affirming or reversing the Judge, or if a different position is taken, such brief shall not exceed 25 pages. Tables of contents or

authorities shall not be counted against the length of a brief.

* * * * *

Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 99-11459 Filed 5-6-99; 8:45 am]

BILLING CODE 6735-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210-0118 EC; FRL-6336-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision-South Coast Air Quality Management District; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published March 18, 1999 (64 FR 13372). On March 18, 1999, EPA proposed a limited approval and limited disapproval of revisions to the California State Implementation Plan controlling oxides of nitrogen emissions in the South Coast Air Quality Management District. This rule concerned South Coast Air Quality Management District Rule 1110.2.

At the request of the South Coast Air Quality Management District and other parties, EPA is reopening the comment period.

DATES: The comment period closes May 19, 1999.

ADDRESSES: Comments should be submitted to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

FOR FURTHER INFORMATION CONTACT: Ed Addison at (415) 744-1160.

Dated: April 21, 1999.

Lauri Yoshii,

Deputy Regional Administrator, Region IX.
[FR Doc. 99-11388 Filed 5-6-99; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA-1002-N]

Medicare Program; Meetings of the Negotiated Rulemaking Committee on Ambulance Fee Schedule

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meetings.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces the dates and locations for the third and fourth meetings of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule. These meetings are open to the public.

The purpose of this committee is to develop a proposed rule that establishes a fee schedule for the payment of ambulance services under the Medicare program through negotiated rulemaking, as mandated by section 4531(b) of the Balanced Budget Act (BBA) of 1997.

DATES: The third meeting is scheduled for May 24, 1999 from 9:00 a.m. until 5 p.m. and May 25, 1999 from 8:30 a.m. until 4 p.m. E.S.T. The fourth meeting is scheduled for June 28, 1999 from 9:00 a.m. until 5 p.m. and June 29, 1999 from 8:30 a.m. until 4 p.m. E.S.T.

ADDRESSES: The 2-day May meeting will be held at Doyle's Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C. 20036; (202) 483-6000. The 2-day June meeting will be held at BWI Airport Marriott, 1743 West Nursery Road, Baltimore, MD. 21240; (410) 849-8300.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding these meetings should be addressed to Bob Niemann (410) 786-4569 or Margot Blige (410) 786-4642 for general issues related to ambulance services or to Lynn Sylvester (202) 606-9140 or Elayne Tempel (207) 780-3408, facilitators.

SUPPLEMENTARY INFORMATION: Section 4531(b)(2) of the Balanced Budget Act (BBA), Public Law 105-33, added a new section 1834(l) to the Social Security Act (the Act). Section 1834(l) of the Act mandates implementation, by January 1, 2000, of a national fee schedule for payment of ambulance services furnished under Medicare Part B. The fee schedule is to be established through negotiated rulemaking. Section 4531(b)(2) also provides that in establishing such fee schedule, the Secretary will—

- Establish mechanisms to control increases in expenditures for ambulance services under Part B of the program;
- Establish definitions for ambulance services that link payments to the type of services furnished;
- Consider appropriate regional and operational differences;
- Consider adjustments to payment rates to account for inflation and other relevant factors; and
- Phase in the fee schedule in an efficient and fair manner.

The Negotiated Rulemaking Committee on the Ambulance Fee Schedule has been established to provide advice and make recommendations to the Secretary with respect to the text and content of a proposed rule that establishes a fee schedule for the payment of ambulance services under Part B of the Medicare program.

The Committee held its second meeting on April 12, 13, and 14, 1999. At this meeting the Committee heard presentations from HCFA staff. The first presenter, a representative from HCFA's Actuarial and Health Cost Analysis Group, described the methodology used in determining how the payment cap under the fee schedule was calculated. The second presenter, a member of the HCFA negotiated rulemaking team, presented historical Medicare hospital and supplier ambulance billing data. The non-government members Committee finalized the private agreement with Project Hope to obtain ambulance cost data and reached consensus on the statements of the issues to be negotiated. Each Committee member presented the member's constituency's interests. Work began on the criteria for evaluating options for the fee schedule.

During the May meeting the Committee will work toward achieving consensus on the interests and on the criteria to be considered in evaluating options for the fee schedule. Discussions will then begin on the options.

The announced future meetings are open to the public without advanced registration. Interested parties can file statements with the Committee. *Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427, Attention: Lynn Sylvester.* Location of future meetings will be published in the **Federal Register** at a later date.

Public attendance at the meetings may be limited to space available. A summary of all proceedings will be