

the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection,
Administrative practice and procedure,
Agricultural commodities, Pesticides
and pests, Reporting and recordkeeping
requirements.

Dated: May 28, 1999.

Joseph J. Merenda, Jr.

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is
amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180
continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and
371.

2. Section 180.554 is added to read as
follows:

§ 180.554 Kresoxim-methyl; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the fungicide kresoxim-methyl (methyl (E)-2-[2-(2-methylphenoxy)-methyl]phenyl-2-(methoxyimido)acetate) and its metabolites as follows: (E)-2-[2-(2-methylphenoxy)methyl]-phenyl-2-(methoxyimido)acetic acid; (E)-2-[2-(2-hydroxymethylphenoxy)methyl]-phenyl-2-(methoxyimido)acetic acid (free and glucose conjugated); and (E)-2-[2-(4-hydroxy-2-methylphenoxy)-methyl]phenyl-2-(methoxyimido)acetic acid (free and glucose conjugated) in or on the following commodities:

Commodity	Parts per million
Apple, pomace	1.0
Grapes	1.0
Pecans	0.15
Pome fruit	0.5
Raisins	1.5

(2) Tolerances are established in or on the following commodities for the residues of the metabolite (E)-2-[2-(2-methylphenoxy)methyl]-phenyl-2-(methoxyimido)acetic acid resulting from the use of the fungicide kresoxim-methyl:

Commodity	Parts per million
Cattle, meat byproducts	0.01
Goat, meat byproducts	0.01

Commodity	Parts per million
Sheep, meat byproducts	0.01

(b) *Section 18 emergency exemptions.*
[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*
[Reserved]

[FR Doc. 99-14761 Filed 6-9-99; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Conduct at the Mt. Weather Emergency Assistance Center and at the National Emergency Training Center

44 CFR Part 15

RIN 3067-AC83

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule makes certain technical amendments to 44 CFR part 15 to reflect the name change of a FEMA facility, to effect other minor changes governing conduct at the Mt. Weather Emergency Assistance Center (Mt. Weather) and at the National Emergency Training Center (NETC), and to consolidate the rules applicable to both facilities.

EFFECTIVE DATE: This rule is effective on July 12, 1999.

FOR FURTHER INFORMATION CONTACT: For information on Mt. Weather, contact John L. Matticks, Senior Resident Manager, Mt. Weather Emergency Assistance Center, Federal Emergency Management Agency, Washington, DC 20472, (telephone) (540) 542-2001, (facsimile) (540) 542-2005, or (email) John.Matticks@fema.gov; for information on the National Emergency Training Center, Ronald P. Face, Jr., Assistant Administrator, United States Fire Administration, Federal Emergency Management Agency, Emmitsburg, MD 21727, (telephone) (301) 447-1223, (facsimile) (301) 447-1052, or (email) ron.face@fema.gov.

SUPPLEMENTARY INFORMATION.

Throughout this preamble and rule the term "we" means the Federal Emergency Management Agency or FEMA.

This final rule makes certain technical amendments to 44 CFR part 15, as follows:

1. We changed the heading of part 15 from "Conduct at the FEMA Special Facility" to "Conduct at the Mt. Weather Emergency Assistance Center and at the National Emergency Training Center."

2. Part 15 previously contained two subparts, the one relating to the "Special Facility", now Mt. Weather, and the other to the NETC. In this final rule we eliminated the subparts and consolidated the rules, while separately treating rules that differ at the two facilities.

3. We changed all references from "the Special Facility" to the "Mt. Weather Emergency Assistance Center" or to "Mt. Weather".

3. We changed the format of certain sections for purposes of clarity.

4. We changed a reference to the "Manual on Fund Raising within the Federal Service" to the current requirements under 5 CFR 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contribution to Private Voluntary Organizations.

5. We changed certain Public Law and Statutes at Large citations to United States Code citations for consistency within 44 CFR and to assure those using the latest version of the United States Code that they have the latest version of law involved.

Administrative Procedure Act Determination

FEMA is publishing this final rule without opportunity for prior public comment under the Administrative Procedure Act, 5 U.S.C. 553. This final rule is a rule of agency organization, procedure, or practice that is excepted from the prior public comment requirements of the § 553(b). The rule makes nonsubstantive, nonsignificant changes in 44 CFR 15 to change the heading of part 15, to change references from "the Special Facility" to the "Mt. Weather Emergency Assistance Center" or to "Mt. Weather", to change the format of certain sections, to change certain references and citations to more current ones, and to consolidate rules for Mt. Weather and the NETC.

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, but attempts to adhere to the regulatory principles set forth in E.O. 12866. The Office of Management and Budget has not reviewed the final rule under E.O. 12866.

Regulatory Flexibility Act

I certify that this rule is not a major rule under Executive Order 12291. It will not have significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, and we do not expect it (1) to affect adversely the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, or (3) to create any additional burden on small entities. We have not prepared a regulatory flexibility analysis of this proposed rule.

Paperwork Reduction Act

This final rule does not contain a collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1995.

Congressional Review of Agency Rulemaking

We have submitted this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Pub. L. 104-121. The rule is not a "major rule" within the meaning of that Act. It is an administrative action in support of normal day-to-day activities. It does not result in nor is it likely to result in an annual effect on the economy of \$100,000,000 or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt (1) from the requirements of the Regulatory Flexibility Act, and (2) from the Paperwork Reduction Act. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4. It does not meet the \$100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 15

Federal buildings and facilities, Penalties.

Accordingly, we revise 44 CFR Part 15 to read as follows:

PART 15—CONDUCT AT THE MT. WEATHER EMERGENCY ASSISTANCE CENTER AND AT THE NATIONAL EMERGENCY TRAINING CENTER

Sec.

- 15.1 Applicability.
- 15.2 Definitions.
- 15.3 Access to Mt. Weather.
- 15.4 Inspection.
- 15.5 Preservation of property.
- 15.6 Compliance with signs and directions.
- 15.7 Disturbances.
- 15.8 Gambling.
- 15.9 Alcoholic beverages and narcotics.
- 15.10 Soliciting, vending, and debt collection.
- 15.11 Distribution of handbills.
- 15.12 Photographs and other depictions.
- 15.13 Dogs and other animals.
- 15.14 Vehicular and pedestrian traffic.
- 15.15 Weapons and explosives.
- 15.16 Penalties.
- 15.17 Other laws.

Authority: Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 13239, 3 CFR, 1979 Comp., p. 412; Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 *et seq.*; delegation of authority from the Administrator of General Services, dated July 18, 1979; Pub.L. 80-566, approved June 1, 1948, 40 U.S.C. 318-318d; and the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 271 *et seq.*

§ 15.1 Applicability.

The rules and regulations in this part apply to all persons entering, while on, or leaving all the property known as the Mt. Weather Emergency Assistance Center (Mt. Weather) located at 19844 Blue Ridge Mountain Road, Bluemont, Virginia 20135, and all the property known as the National Emergency Training Center (NETC), located on 16825 South Seton Avenue in Emmitsburg, Maryland, which the Federal Emergency Management Agency (FEMA) owns, operates and controls.

§ 15.2 Definitions.

Terms used in part 15 have these meanings:

Administrator means the Administrator, United States Fire Administration, FEMA.

Director means the Director of the Federal Emergency Management Agency.

FEMA means the Federal Emergency Management Agency.

Mt. Weather means the Mt. Weather Emergency Assistance Center, Bluemont, VA.

NETC means the National Emergency Training Center, Emmitsburg, MD.

Senior Resident Manager means the Senior Resident Manager, Mt. Weather Emergency Assistance Center.

We means the Federal Emergency Management Agency or FEMA.

§ 15.3 Access to Mt. Weather.

Mt. Weather contains classified material and areas that we must protect in the interest of national security. The facility is a restricted area. We deny access to Mt. Weather to the general public and limit access to those persons having official business related to the missions and operations of Mt. Weather. The Director or the Senior Resident Manager must approve all persons and vehicles entering Mt. Weather. All persons must register with the Mt. Weather Police/Security Force and must receive a Mt. Weather identification badge and vehicle parking decal or permit to enter or remain on the premises. No person will enter or remain on Mt. Weather premises unless he or she has received permission from the Director or the Senior Resident Manager and has complied with these procedures.

§ 15.4 Inspection.

(a) *In general.* All vehicles, packages, handbags, briefcases, and other containers being brought into, while on or being removed from Mt. Weather or the NETC are subject to inspection by the Police/Security Force and other authorized officials. A full search of a vehicle or person may accompany an arrest.

(b) *Inspection at Mt. Weather.* We authorize inspection at Mt. Weather to prevent the possession and use of items prohibited by these rules and regulations or by other applicable laws, to prevent theft of property and to prevent the wrongful obtaining of defense information under 18 U.S.C. 793. If individuals object to such inspections they must tell the officer on duty at the entrance gate before entering Mt. Weather. The Police/Security Force and other authorized officials must not authorize or allow individuals who refuse to permit an inspection of their vehicle or possessions to enter the premises of Mt. Weather.

§ 15.5 Preservation of property.

At both Mt. Weather and NETC we prohibit:

- (a) The improper disposal of rubbish;
- (b) Willful destruction of or damage to property;
- (c) Theft of property;
- (d) Creation of any hazard on the property to persons or things;
- (e) Throwing articles of any kind from or at a building;
- (f) Climbing upon a fence; or
- (g) Climbing upon the roof or any part of a building.

§ 15.6 Compliance with signs and directions.

Persons at Mt. Weather and the NETC must comply at all times with official signs that prohibit, regulate, or direct, and with the directions of the Police/Security Force and other authorized officials.

§ 15.7 Disturbances.

At both Mt. Weather and NETC we prohibit any unwarranted loitering, disorderly conduct, or other conduct at Mt. Weather and NETC that:

- (a) Creates loud or unusual noise or a nuisance;
- (b) Unreasonably obstructs the usual use of classrooms, dormitory rooms, entrances, foyers, lobbies, corridors, offices, elevators, stairways, roadways or parking lots;
- (c) Otherwise impedes or disrupts the performance of official duties by government employees or government contractors;
- (d) Interferes with the delivery of educational or other programs; or
- (e) Prevents persons from obtaining in a timely manner the administrative services provided at both facilities.

§ 15.8 Gambling.

We prohibit participating in games for money or other personal property, including the operation of gambling devices, the conduct of a lottery or pool, or the sale or purchase of numbers tickets at both facilities.

§ 15.9 Alcoholic beverages and narcotics.

At both Mt. Weather and the NETC we prohibit:

- (a) Operating a motor vehicle by any person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines as defined in Title 21 of the Annotated Code of Maryland, Transportation, sec. 21-902 or in Title 18.2, ch. 7, Art. 2 of the Code of Virginia, secs. 18.2-266 and 18.2-266.1, as applicable;
- (b) Entering upon or while on either property being under the influence of or using or possessing any narcotic drug, marijuana, hallucinogen, barbiturate or amphetamine. This prohibition does not apply in cases where a licensed physician has prescribed the drug for the person;
- (c) Entering upon either property or being on either property under the influence of alcoholic beverages;
- (d) Bringing alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines onto the premises unless the Director, the Senior Resident Manager, or the Administrator or

designee for the NETC authorizes it in writing; and

(e) Use of alcoholic beverages on the property except:

- (1) In the Balloon Shed Lounge at Mt. Weather and in other locations that the Director or the Senior Resident Manager authorizes in writing; and
- (2) In the Student Center at the NETC and other locations that the Director or the Administrator, or designee, authorizes in writing.

§ 15.10 Soliciting, vending, and debt collection.

(a) We prohibit soliciting alms and contributions, commercial or political soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts unless the Director for either facility or the Senior Resident Manager approve the activities in writing and in advance.

(b) The prohibitions of this section do not apply to:

- (1) National or local drives for funds for welfare, health, or other purposes as authorized by 5 CFR part 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations. The Director, or the Senior Resident Manager, or the Administrator for the NETC or designee, must approve all such national or local drives before they are conducted on either premises;
- (2) Authorized concessions;
- (3) Personal notices posted by employees on authorized bulletin boards; and
- (4) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978, 5 U.S.C. 7101 *et seq.*

§ 15.11 Distribution of handbills.

We prohibit the distribution of materials such as pamphlets, handbills or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere at Mt. Weather and the NETC unless the Director, the Senior Resident Manager, or the Administrator for the NETC or designee, approves such distribution or display, or when such distribution or display is conducted as part of authorized government activities.

§ 15.12 Photographs and other depictions.

(a) *Photographs and other depictions at Mt. Weather.* We prohibit taking photographs and making notes, sketches, or diagrams of buildings, grounds or other features of Mt. Weather, or the possession of a camera while at Mt. Weather except when the Director or the Senior Resident Manager approves in advance.

(b) *Photographs and other depictions at the NETC.* (1) Photographs may be taken inside classroom or office areas of the NETC only with the consent of the occupants. Except where security regulations apply or a Federal court order or rule prohibits it, photographs may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings.

(2) Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of the Assistant Administrator, Management Operations and Student Support, United States Fire Administration, Federal Emergency Management Agency, Emmitsburg, MD 21727, (telephone) (301) 447-1223, (facsimile) (301) 447-1052, or other authorized official where photographs are to be taken.

§ 15.13 Dogs and other animals.

Dogs and other animals, except seeing-eye dogs, must not be brought onto Mt. Weather grounds or into the buildings at NETC for other than official purposes.

§ 15.14 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles entering or while at Mt. Weather or the NETC must drive carefully and safely at all times and must obey the signals and directions of the Police/Security Force or other authorized officials and all posted traffic signs;

(b) Drivers must comply with NETC parking requirements and vehicle registration requirements;

(c) At both Mt. Weather and the NETC we prohibit:

(1) Blocking entrances, driveways, walks, loading platforms, or fire hydrants on the property; and

(2) Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs.

(3) Where warning signs are posted vehicles parked in violation may be removed at the owners' risk and expense.

(d) The Director or the Senior Resident Manager or the Administrator for the NETC or designee may issue and post specific supplemental traffic directives if needed. When issued and posted supplemental traffic directives will have the same force and effect as if they were in these rules. Proof that a parked motor vehicle violated these rules or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

§ 15.15 Weapons and explosives.

No person entering or while at Mt. Weather or the NETC will carry or possess firearms, other dangerous or deadly weapons, explosives or items intended to be used or that could reasonably be used to fabricate an explosive or incendiary device, either openly or concealed, except:

(a) For official purposes if the Director or the Senior Resident Manager or the Administrator for the NETC or designee approves; and

(b) In accordance with FEMA policy governing the possession of firearms.

§ 15.16 Penalties.

(a) *Misconduct.* (1) Whoever is found guilty of violating any of these rules and regulations is subject to a fine of not more than \$50 or imprisonment for not more than 30 days, or both. (See 40 U.S.C. 318c.)

(2) We will process any misconduct at NETC according to FEMA/NETC policy or instructions.

(b) *Parking violations.* We may tow at the owner's expense any vehicles parked in violation of State law, FEMA, Mt. Weather, or NETC instructions.

§ 15.17. Other laws.

Nothing in the rules and regulations in this part will be construed to abolish any other Federal laws or any State and local laws and regulations applicable to Mt. Weather or NETC premises. The rules and regulations in this part supplement penal provisions of Title 18, United States Code, relating to Crimes and Criminal Procedure, which apply without regard to the place of the offense and to those penal provisions that apply in areas under the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. 7. They supersede provisions of State law, however, that Federal law makes criminal offenses under the Assimilated Crimes Act (18 U.S.C. 13) to the extent that State laws conflict with these regulations. State and local criminal laws apply as such only to the extent that the State reserved such authority to itself by the State consent or cession statute or that a Federal statute vests such authority in the State.

Dated: May 26, 1999.

James L. Witt,

Director.

[FR Doc. 99-14326 Filed 6-9-99; 8:45 am]

BILLING CODE 6718-06-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 0**

[DA 99-823]

Freedom of Information Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules that implement the Freedom of Information Act (FOIA) fee schedule. This amendment pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived in accordance with the rules. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

EFFECTIVE DATE: July 12, 1999.

FOR FURTHER INFORMATION CONTACT: Judy Boley, Freedom of Information Act Officer, Office of Performance Evaluation and Records Management, Room 1-C-804, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, (202) 418-0440 or via Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: The FCC is amending § 0.467(a) of the Commission's Rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA fee schedule on the grade level of the employee who processes the request. Thus, the fee schedule was computed at a Step 5 of each grade level based on the General Schedule effective January 1987. The instant revisions correspond to modifications in the rate of pay recently approved by Congress.

Regulatory Procedures

This rule has been reviewed under Executive Order No. 12866 and has been determined not to be a "significant rule" since it will not have an annual effect

on the economy of \$100 million or more.

In addition, it has been determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 47 CFR Part 0

Freedom of information.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 0 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: § 5, 48, Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.467 is amended by revising the table in paragraph (a)(1), its note, and paragraph (a)(2) to read as follows:

§ 0.467 Search and review fees.

(a)(1) * * *

Grade	Hourly fee
GS-1	9.40
GS-2	10.22
GS-3	11.52
GS-4	12.94
GS-5	14.47
GS-6	16.13
GS-7	17.93
GS-8	19.85
GS-9	21.92
GS-10	24.14
GS-11	26.53
GS-12	29.80
GS-13	37.81
GS-14	44.69
GS-15	52.56

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a) (1) of this section were computed at step 5 of each grade level based on the General Schedule effective January 1999 and include 20 percent for personnel benefits.

* * * * *

[FR Doc. 99-14495 Filed 6-9-99; 8:45 am]

BILLING CODE 6712-01-P