

(c) If the fee to be assessed for any request is less than \$100 (the cost to the Board of processing and collecting the fee), no charge will be made to the requester.

(d) Fees for copying audio tapes and computer records will be charged at a rate representing the actual costs to the Board, as shown in paragraphs (d)(1) through (d)(3) of this section.

(1) Audio tapes will be provided at a charge not to exceed \$15 for each cassette tape.

(2) Computer printouts will be provided at a charge of 10 cents a page.

(3) Records reproduced on computer tapes, computer diskettes, or other electronic media, will be provided at the actual cost to the Board.

(e) The Board will provide one copy of the amended parts of any record it amends free of charge as evidence of the amendment.

Subpart C—Amendment of Records

§ 1205.21 Request for amendment.

A request for amendment of a record must be submitted to the Regional Director or Chief Administrative Judge of the appropriate regional or field office, or to the Clerk of the Board, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419-0001, depending on which office has custody of the record. The request must be in writing, must be identified conspicuously on the outside of the envelope and the letter as a "PRIVACY ACT REQUEST," and must include the following information:

(a) An identification of the record to be amended;

(b) A description of the amendment requested; and

(c) A statement of the basis for the amendment, along with supporting documentation, if any.

§ 1205.22 Action on request.

(a) *Amendment granted.* If the Board grants the request for amendment, it will notify the requester and provide him or her with a copy of the amendment.

(b) *Amendment denied.* If the Board denies the request for amendment in whole or in part, it will provide the requester with a written notice that includes the following information:

(1) The basis for the denial; and

(2) The procedures for appealing the denial.

§ 1205.23 Time limits.

The Clerk of the Board, Regional Director, or Chief Administrative Judge will acknowledge a request for amendment within 10 workdays of

receipt of the request in the appropriate office except under the unusual circumstances described in paragraphs (a)(1) through (a)(4) of § 1205.12 of this part.

Subpart D—Appeals

§ 1205.31 Submitting appeal.

(a) A partial or complete denial, by the Clerk of the Board, by the Regional Director, or by the Chief Administrative Judge, of a request for amendment may be appealed to the Chairman, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419-0001 within 10 workdays from the date of the denial.

(b) Any appeal must be in writing, must be clearly and conspicuously identified as a Privacy Act appeal on both the envelope and letter, and must include:

(1) A copy of the original request for amendment of the record;

(2) A copy of the denial; and

(3) A statement of the reasons why the original denial should be overruled.

§ 1205.32 Decision on appeal.

(a) The Chairman will decide the appeal within 30 workdays unless the Chairman determines that there is good cause for extension of that deadline. If an appeal is improperly labeled, does not contain the necessary information, or is submitted to an inappropriate official, the time period for processing that appeal will begin when the Chairman receives the appeal and the necessary information.

(b) If the request for amendment of a record is granted on appeal, the Chairman will direct that the amendment be made. A copy of the amended record will be provided to the requester.

(c) If the request for amendment of a record is denied, the Chairman will notify the requester of the denial and will inform the requester of:

(1) The basis for the denial;

(2) The right to judicial review of the decision under 5 U.S.C. 552a(g)(1)(A); and

(3) The right to file a concise statement with the Board stating the reasons why the requester disagrees with the denial. This statement will become a part of the requester's record.

Dated: September 2, 1999.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 99-24552 Filed 9-20-99; 8:45 am]

BILLING CODE 7400-01-U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 903

[Docket No. FR-4420-F-04]

RIN 2577-AB89

Public Housing Agency Plans; Change in Plan Submission Dates

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; amendment.

SUMMARY: This final rule makes two amendments to HUD's February 18, 1999 interim rule regarding public housing agency (PHA) plans. First, this final rule provides PHAs whose fiscal years begin on January 1, 2000, with additional time to submit their first PHA plans to HUD. This final rule also provides that, for purposes of first PHA plan submissions, a PHA will be considered to have submitted its PHA plans on the submission due date, regardless of whether the PHA submits its first plans before that date. This final rule does not address the public comments received on the February 18, 1999 interim rule. The comments will be addressed in a separate rulemaking that HUD is currently developing, and that HUD expects to publish within the next few weeks.

DATES: *Effective Date:* October 21, 1999.

FOR FURTHER INFORMATION CONTACT: For further information contact Beth Cooper, the Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC 20410; telephone (202) 708-0730 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

I. HUD's February 18, 1999 Interim Rule

On February 18, 1999 (64 FR 8170), HUD published an interim rule to implement a new component of public housing and tenant-based assistance operations required by the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276, 112 Stat. 2461, approved October 21, 1998) (referred to as the "Public Housing Reform Act")—the public housing agency plans. Through these plans—the 5-year Plan and the Annual Plan—a public housing agency (PHA) will advise HUD, its

residents and members of the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs. The February 18, 1999 interim rule established the initial procedures and requirements for development, submission and implementation of the Plans. The February 18, 1999 interim rule also provided the dates for submission of the Plans. The interim rule became effective on March 22, 1999, and is codified at 24 CFR part 903 (entitled "Public Housing Agency Plans").

II. This Rule

The purpose of this final rule is to make two amendments to the February 18, 1999 interim rule. The amendments are as follows:

1. *Extended submission date for initial PHA Plans.* Section 511 of the Public Housing Reform Act provides (in subsection (h)(1)) for the Secretary to establish the due date for initial submission of the PHA 5-year and Annual Plans. After initial submission of the PHA Plans, the statute sets the due date at not later than 75 days before the start of the PHA's fiscal year. In accordance with this statutory authority, the February 18, 1999 interim rule established due dates for the initial submission of the PHA Plans.

The February 18, 1999 interim rule established a due date of "no later than 75 days before January 1, 2000" for the first 5-year Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after that date are required to submit their first 5-year Plan "no later than 75 days before the commencement of their fiscal year." (See § 903.3(a) of the February 18, 1999 interim rule)

The interim rule established a due date of October 15, 1999 for the first PHA Annual Plan submission by PHAs whose fiscal years begin on January 1, 2000. PHAs whose fiscal years begin after January 1, 2000 are required to submit their first Annual Plan no later than "75 days in advance of their fiscal year commencement date." (See § 903.3(b) of the February 18, 1999 interim rule).

On July 30, 1999, HUD issued Public and Indian Housing (PIH) Notice 99-33, which announced the availability of an electronic template that PHAs must use to complete and submit the PHA Plans. The electronic template, which is generally presented in question and answer format, clarifies HUD's expectations for PHA Plan submissions and will make these submissions easier to complete. The PIH notice also

provides additional guidance for completing the PHA Plans.

This rule extends the due date for initial PHA Plan submissions made by PHAs with fiscal years beginning on January 1, 2000. Specifically, the rule provides that these PHAs must submit their first PHA Plans to HUD by December 1, 1999. This extension is designed to permit these PHAs (who will be the first to submit PHA Plans) to benefit from the electronic template and additional guidance provided in PIH Notice 99-33.

2. *Designation of December 1, 1999 as the PHA Plan submission date.* The February 18, 1999 interim rule provides that "not later than 75 days after the date on which the PHA submits its plan * * * HUD will issue written notice to the PHA if the plan has been disapproved." (See § 903.23(b)(2) of the February 18, 1999 interim rule).

This rule amends the interim rule to provide that, for purposes of the submission of the first PHA Plans, the "date on which the PHA submits its plan" will be considered to be the submission due date. Accordingly, the 75-day period for HUD to provide written notice of its disapproval will not begin until the due date. For example, the initial Plan submission due date for PHAs whose fiscal year begins on January 1, 2000 is December 1, 1999. The 75-day HUD review period for these Plans will begin on December 1, 1999, regardless of whether the PHA has submitted its PHA Plans before December 1, 1999.

The designation of the due date as the submission date for purposes of the 75-day period assures that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period. The result will be HUD reviews that have the benefit of the uniform guidance and, thus, will be conducted under uniform, national standards. The uniform time period will also assist HUD's efforts to use its work force as efficiently as possible. Both of these benefits will assist PHAs and the public. The extended time period until the first submissions makes this step more important.

III. HUD's Upcoming Final Rule Regarding the PHA Plans

This rule does not address the public comments received on the February 18, 1999 interim rule. HUD is currently developing a separate rule that will finalize the policies and procedures contained in the February 18, 1999 interim rule, and that takes into

consideration the public comments received on the interim rule. HUD expects to publish this final rule within the next few weeks.

IV. Justification for Issuance of Rule for Effect

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary because this rule simply makes two technical amendments to 24 CFR part 903 regarding the due dates for initial PHA Plan submissions. These amendments will provide PHAs whose fiscal years begin on January 1, 2000 with additional time to prepare their first PHA Plans. The amendments will also benefit HUD, PHAs, and the public by assuring that there is a uniform time period in which HUD field offices are charged with reviewing the PHA Plan submissions, and that field offices will have been provided appropriate and uniform guidance prior to the review period.

V. Findings and Certifications

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only makes two technical amendments to 24 CFR part 903 regarding the due date for initial PHA Plan submissions by PHAs with fiscal years beginning on January 1, 2000.

Environmental Impact

This rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This rule only makes a technical amendment to an existing regulation.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

List of Subjects in 24 CFR Part 903

Administrative practice and procedure, Public housing, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, HUD amends 24 CFR part 903 as follows:

PART 903—PUBLIC HOUSING AGENCY PLANS

1. The authority citation for part 903 continues to read as follows:

Authority: 42 U.S.C. 1437c; 42 U.S.C. 3535(d).

2. Revise § 903.3 to read as follows:

§ 903.3 When must a PHA submit the plans to HUD?

(a) *5-Year Plan.* (1) The first PHA fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first 5-Year Plan submitted by a PHA must be submitted for the 5-year period beginning January 1, 2000. The first 5-Year Plans are due on December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their 5-Year Plans are due no later than 75 days before the commencement of their fiscal year. For all PHAs, after submission of their first 5-Year Plan, all subsequent 5-Year Plans must be submitted once every 5 PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year.

(2) PHAs may choose to update their 5-Year Plans every year as good management practice. PHAs must explain any substantial deviation from their 5-Year Plans in their Annual Plans.

(b) *The Annual Plan.* The first fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first Annual Plans are due December 1, 1999. For PHAs whose fiscal years begin after January 1, 2000, their first Annual Plan are due 75 days in advance of their fiscal year commencement date. For all PHAs, after submission of their first

Annual Plan, all subsequent Annual Plans will be due 75 days in advance of the commencement of a PHA's fiscal year.

3. Add § 903.23(c) to read as follows:

§ 903.23 What is the process by which HUD reviews, approves, or disapproves an Annual Plan?

* * * * *

(c) *Designation of due date as submission date for initial plan submissions.* For purposes of the 75-day period described in paragraph (b) of this section, the first 5-year and Annual Plans submitted by a PHA will be considered to have been submitted on their due date (December 1, 1999 or 75 days before the start of the PHA fiscal year, as appropriate—see § 903.3).

* * * * *

Dated: September 14, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99-24600 Filed 9-20-99; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD 05-99-076]

Special Local Regulations for Marine Events; Chincoteague Power Boat Regatta, Assateague Channel, Chincoteague, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations for the Chincoteague Power Boat Regatta to be held on the waters of Assateague Channel near Chincoteague, Virginia, on September 25, 1999 and September 26, 1999. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

DATES: This rule is effective from 10:30 a.m. EDT (Eastern Daylight Time) to 6:30 p.m. EDT on September 25, 1999, and from 11:30 a.m. EDT to 6:30 p.m. EDT on September 26, 1999.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer G. Nestle, Marine Events Coordinator, Commander, Coast Guard Group Eastern Shore, Chincoteague, Virginia, (757) 336-2890.

SUPPLEMENTARY INFORMATION: The Chincoteague Chamber of Commerce will sponsor the Chincoteague Power Boat Regatta on September 25, 1999 and September 26, 1999, on the waters of Assateague Channel, near Chincoteague, Virginia. (This event is normally held on the third Saturday and Sunday in June.) The event will involve 45 hydroplanes and runabouts racing along a 1.25 mile course within the regulated area. In order to ensure the safety of race participants, spectators and transiting vessels, 33 CFR 100.519 will be in effect for the duration of the event. Under provisions of 33 CFR 100.519, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: September 2, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 99-24578 Filed 9-20-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[VA 022-5040; FRL-6436-8]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting limited approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia to revise its new source review (NSR) regulations for nonattainment areas to bring them into conformance with the Clean Air Act (CAA) Amendments adopted in 1990, and to make other changes desired by the Commonwealth. Virginia's NSR regulations for nonattainment areas require persons to meet certain requirements before constructing a new major source or major modification in a nonattainment area. The intended effect of this action is to grant limited approval of Virginia's NSR regulation as a SIP revision under the CAA.