

Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6539.

**SUPPLEMENTARY INFORMATION:** On July 28, 1999, the FAA published in the **Federal Register** a direct final rule; request for comments, which corrected the Class D airspace at Bullhead City, AZ, by changing the ceiling of the Class D from 2,500 feet above ground level to 3,200 feet mean sea level. (FR Document 99-17173, 64 FR 40745, Airspace Docket No. 99-AWP-8). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 9, 1999. No adverse comments were received; therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California, on September 9, 1999.

**John G. Clancy,**

*Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 99-25224 Filed 9-28-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 99-AEA-11]

#### Amendment to Class E Airspace; Moundsville, WV

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Marshall County Airport, Moundsville, WV. The development of a Standard Instrument Approach Procedures (SIAP) based on the Global Positioning System (GPS) has made this action necessary.

Amendments to the controlled airspace extending upward from 700 Feet Above Ground Level (AGL) are needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the airport.

**EFFECTIVE DATE:** 0901 UTC, October 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

#### SUPPLEMENTARY INFORMATION:

##### History

On July 13, 1999, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by extending the Class E airspace extending upward from 700 feet above the surface at Marshall County Airport, Moundsville, WV was published in the **Federal Register** (64 FR 1331).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet AGL are published in paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet AGL for aircraft executing SIAPs at Marshall County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999 and effective September 16, 1999 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AEA WV E5, Moundsville, WV [Revised]

Marshall County Airport, Moundsville, WV (Lat. 39°52'85"N., long. 80°44'85"W.)

That airspace extending upward from 700 feet above the surface within a 6.2 mile radius of Marshall County Airport and within 2 miles each side of a 051° bearing from the Marshall County Airport, extending from the 6.2 mile radius of the airport to 12 miles northeast of the airport.

\* \* \* \* \*

Issued in Jamaica, New York on September 13, 1999.

**Franklin D. Hatfield,**

*Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 99-25063 Filed 9-28-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 902

#### 50 CFR Part 622

[Docket No. 990330083-9166-02; I.D. 091499E]

RIN 0648-AK32

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Effective Date Notification and Office of Management and Budget (OMB) Control Numbers

**AGENCY:** National Marine Fisheries Service, (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.  
**ACTION:** Final rule; effective date of OMB control numbers.

**SUMMARY:** This rule makes effective the collection-of-information requirements in the final rule implementing procedures for the testing and certification of bycatch reduction devices (BRDs) for use in shrimp trawls in the exclusive economic zone in the Gulf of Mexico published in the *Federal Register* on July 13, 1999. OMB has approved those collection-of-information requirements.

**DATES:** The collection-of-information requirements in § 622.41(h)(3)(i) and (h)(3)(ii), Appendix—Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual, and Appendix I—Qualifications of Observer are effective September 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** On July 13, 1999, NMFS published a final rule (64 FR 37690) that established procedures for the testing and certification of BRDs for use in shrimp trawls in the exclusive economic zone in the Gulf of Mexico. That final rule was published prior to OMB's approval of the information collection requirements in § 622.41(h)(3)(i) and (h)(3)(ii), Appendix—Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual, and Appendix I—Qualifications of Observer; therefore, the effectiveness of those information collection requirements was deferred pending OMB approval. Those information collection requirements are related to the BRD certification process and include applications for pre-certification and certification of a new BRD, pre-certification adjusting, the testing itself, the submission of the test results, application for observer position, and references for observers. On August 20, 1999, OMB approved those information collection requirements. This notice informs the public of the OMB approval of those information collection requirements under OMB control number 0648-0345 and makes them effective.

**List of Subjects**

**15 CFR Part 902**

Reporting and recordkeeping requirements.

**50 CFR Part 622**

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 22, 1999.  
**Andrew A. Rosenberg,**  
*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 15 CFR part 902 is amended as follows:

**15 CFR Chapter IX**

**PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS**

1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b) table, under 50 CFR, the following entries are added in numerical order to read as follows:

**§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

\* \* \* \* \*  
(b) \* \* \*

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
50 CFR	* * * *
622.41	* * * * -0345
	* * * *

[FR Doc. 99-25237 File 9-28-99; 8:45 am]  
BILLING CODE 3510-22-F

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 240**

[Release No. 34-41905; File No. S7-27-98]

RIN 3235-AH48

**Purchases of Certain Equity Securities by the Issuer and Others**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (Commission) today is adopting an amendment to Rule 10b-18 (Rule) under the Securities Exchange Act of 1934 (Exchange Act). Rule 10b-18 provides a "safe harbor" from liability for manipulation under Sections 9(a)(2) and 10(b) of the Exchange Act, and Rule 10b-5

thereunder, when an issuer or affiliated purchaser of the issuer bids for or buys shares of its common stock in compliance with the Rule's conditions. In order to improve liquidity during severe market downturns, the amendment modifies the Rule's timing condition during the trading session immediately following a market-wide trading suspension. In particular, the safe harbor now is available to an issuer that bids for or purchases its common stock either: from the reopening of trading until the close of trading on the same day as the imposition of the market-wide trading suspension; or at the next day's opening, if the market-wide trading suspension was in effect at the scheduled close of trading. The safe harbor requires that the issuer continue to comply with the Rule 10b-18 conditions governing the manner, price and volume of market purchases of its common stock.

**EFFECTIVE DATE:** October 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** James A. Brigagliano, Assistant Director; and Joan Collopy, Attorney; Office of Risk Management and Control, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-1001, or at (202) 942-0772.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

On October 29, 1998, in response to a petition for rulemaking (Petition) <sup>1</sup> filed by the New York Stock Exchange, Inc. (NYSE), the Commission proposed to amend the Rule 10b-18 timing condition during the trading session immediately following a market-wide trading suspension (Proposing Release).<sup>2</sup> The amendment would

<sup>1</sup> The Petition was filed on January 9, 1998 and is publicly available in File No. 4-409 in the Commission's Public Reference Room. The NYSE Petition stated that it had surveyed floor brokers, upstairs traders and listed-company representatives. Those groups agreed that expanding the Rule 10b-18 safe harbor to issuer repurchases effected during the trading session following a severe market decline could offer an important source of liquidity and provide balance to selling activity.

<sup>2</sup> The amendment, as proposed and adopted, defines market-wide trading suspension as either: (i) A market-wide trading halt imposed pursuant to the rules of a national securities exchange or a registered national securities association in response to a market-wide decline during a single trading session; or (ii) a market-wide trading suspension ordered by the Commission pursuant to Section 12(k) of the Exchange Act. Rule 10b-18(a)(15). For example, the alternative safe harbor would apply in the trading session following a trading halt pursuant to NYSE Exchange Rule 80B or Market Closing Policy of the National Association of Securities Dealers, Inc. (NASD). The Commission approved the NASD's market closing policy statement, codified in IM-4120-3. Securities Exchange Act Release No. 39846 (April 9, 1998), 63