Issued in Kansas City, Missouri, on November 15, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AEA–16]

Establishment of Class E Airspace; Brownsville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Brownsville, PA. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 294 helicopter Point in Space approach, has been developed for Brownsville Hospital Brownsville, PA. Controlled airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. This action proposes to establish Class E airspace to include the Point in Space approach to Brownsville Hospital. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before December 23, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 99–AEA–16, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111 John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AEA–16.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Brownsville, PA, A GPS Point in Space Approach (SIAP) has been developed for Brownsville Hospital Heliport, Brownsville, PA. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9G, dated September 10, 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) 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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would 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).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9G dated September 10, 1999, and effective September 16, 1999, is proposed to be amended as follows:

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

* * * * *

AEA PA E5, Brownsville, PA

Brownsville Hospital Heliport, PA
(Lat. 400013.11, long. 795141.97)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Brownsville Hospital Heliport.

* * * * *

Issued in Jamaica, New York on November 17, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99–30501 Filed 11–22–99; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 34 and 35

Concept Release Concerning Over-the-Counter Derivatives

AGENCY: Commodity Futures Trading Commission.

ACTION: Concept release; withdrawal.

SUMMARY: On May 12, 1998, the Commission issued a concept release reexamining its approach to the over-the-counter derivatives market. The Commission has decided to withdraw the concept release.

FOR FURTHER INFORMATION CONTACT: Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW, Washington, DC 20581, (202) 418–5100.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission issued a concept release concerning over-the-counter derivatives on May 12, 1998 (63 FR 26114). In light of the comments received, the Commission has determined to withdraw the concept release from further consideration.

Issued in Washington, DC on November 17, 1999 by the Commission.

Jean A. Webb,

Secretary of the Commission.

Concurring Remarks of Commissioner Spears Withdrawal of Concept Release on Over-the-Counter Derivatives

The Commission's May 1998 Concept Release on Over-the-Counter Derivatives has been widely perceived, both within the derivatives industry and among other financial regulators, as indicating an intent to expand the Commission's regulatory reach with respect to OTC derivatives. In view of that perception and any legal uncertainty it may have created, I agree to withdrawal of the Concept Release. However, as one of the Commissioners who signed off on issuing the Concept Release, I also wish to make clear my intent in originally approving publication of that document.

The Concept Release was published in May of 1998. At that time, five years had passed since the last major Commission action involving OTC derivatives (the 1993 swaps, hybrids and energy exemptions). As noted in the Release's preamble, the OTC derivatives market had experienced a number of significant changes during that five-year period. In light of those changes, I viewed the Release strictly as an appropriate information gathering document. Thus, as stated in the preamble, the Release was published in hopes that the comments received would ''* * * constitute an important source of relevant data and analysis that [would] assist [the Commission] in determining whether its current regulatory approach continues to be appropriate or requires modification.'' [1] More importantly, the preamble also clearly states:

> The Commission has *no preconceived result in mind.* The Commission is open both to evidence in support of easing current restrictions and evidence indicating a need for additional safeguards. The Commission also welcomes comment on the extent to which certain matters are being or can be adequately addressed through self-regulation * * *[2] [emphasis supplied]

Concurring Remarks of Commissioner Erickson

I concur with the Commission's decision to withdraw the Concept Release on Over-the-Counter Derivatives because, in my view, the document has been rendered moot by subsequent events. The Commission published the Concept Release in May 1998, it asked the public to comment on a number of questions, and the public did so. No rules or orders were proposed and nothing related to the Concept Release currently is pending before the Commission. Moreover, representatives of the four federal financial regulators that comprise the President's Working Group on Financial Markets stated that they would use the comments received by the Commission to inform their study of OTC derivatives. I assume the public comments assisted the Working Group in preparing its report, which was issued on November 9, 1999.

I am concerned, however, about the potential precedent established by today's Commission action for future Commission actions, future Commissions, and, more broadly, for other federal agencies. I have reviewed 31 comment letters submitted to the Commission in response to the Concept Release and have examined related testimony given by various interested parties before several House and Senate committees. I am struck by the fact that despite the opposition the release provoked in some segments of the industry and among other regulators, nothing I saw cast any doubt on the substantive validity of the questions themselves. In fact, it seems to me that the Concept Release framed many of the issues we are currently discussing and, I believe, sparked the current dialogue regarding whether our existing regulatory structure fits today's financial markets.

I am not willing to concede that it was wrong for the Commission to ask questions about the application of its existing regulations in an evolving market. In fact, I believe it is our duty as an agency to constantly examine and re-examine the vitality and effectiveness of our regulatory scheme, and we should not be expected to defer to anyone else in fulfilling this duty. I am troubled that on a going-forward basis, the Commission may feel obliged to delegate to others its judgment about what kinds of questions are acceptable to ask about its own regulations.

Nonetheless, I am hopeful that through today's action this Commission will rededicate itself to addressing the derivatives industry issues unique to our time.

[FR Doc. 99–30513 Filed 11–22–99; 8:45 am]

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[1] 63 FR 26114, May 12, 1998.

[2] *Id.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 120

[Docket No. 97N–0511]

RIN 0910–AA43

Hazard Analysis and Critical Control Point (HACCP); Procedures for the Safe and Sanitary Processing and Importing of Juice; Availability of New Data and Information and Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening to January 24, 2000, the comment period for the proposal to require the application of hazard analysis and critical control point (HACCP) principles to the processing of fruit and vegetable juices and juice products (the juice HACCP proposal) that published in the **Federal Register** of April 24, 1998 (63 FR 20450). The agency is reopening the comment period for the juice