Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

V. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final 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: December 3, 1999.

Peter Caulkins,

Acting Director, Registration Division, 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), 346(a) and 371.

§ 180.473 [Amended]

2. In § 180.473, by amending in the table in paragraph (b) the entries for ''corn, sweet, forage''; ''corn, sweet, kernels and cobs with husks removed''; and ''corn, sweet, stover'' by revising the date ''12/1/99'' to read ''12/31/01''.

[FR Doc. 99–33453 Filed 12–23–99; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

RIN 1090–AA67

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Interior

ACTION: Interim rule; request for comments.

SUMMARY: This interim rule is in response to the issuance of Executive Order 13043 of April 16, 1997, ''Increasing Seat Belt Use in the United States.'' Section 1(c) requires that each Federal agency, in contracts, subcontracts, and grants entered into after the date of the Order, shall seek to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. Section 2 of the Order directs all agencies of the executive branch to promulgate rules and take other appropriate measures within their existing programs to further the policies of the Order.

The Department is publishing this rule in the absence of a Government-wide implementation of this policy for its applicability to grants awarded, and in order to provide a regulatory basis for the inclusion of a provision in grants and cooperative agreements awarded by the Department. In the event that the Office of Management and Budget chooses to implement this requirement through the issuance of a Government-wide directive, the Department will revise this regulation, as appropriate.

DATES: Effective Date: This rule is effective December 27, 1999.

Comments. Comments must be received by January 26, 2000.

ADDRESSES: If you wish to comment, you may submit your comments by one of several methods. You may mail comments to the U.S. Department of the Interior, Director, Office of Acquisition and Property Management, 1849 C St., NW, Mail Stop 5512, Washington, D.C. 20240. You may also comment via the Internet to http://www.doi.gov/pam/rin1090-aa67.html. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: RIN 1090–AA67'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 208–6352. Finally, you may hand-deliver comments to 1849 C Street, NW, Mail Stop 5512, Washington, D.C. 20240. We will make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request confidentiality, which we will honor to the extent allowable by law. If you wish to withhold your name or address, except for the city or town, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Debra E. Sonderman, (Director, Office of Acquisition and Property Management), (202) 208–6431.

SUPPLEMENTARY INFORMATION: On April 16, 1997, Executive Order 13043, ''Increasing Seat Belt Use in the United States,'' was signed by President Clinton. Section 1 (c) directed each Federal agency, in contracts, subcontracts, and grants entered into after the date of the Order, to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned

vehicles. Section 2 directed all agencies of the executive branch to promulgate rules and take other appropriate measures within their existing programs to further the policies of the Order.

The Department is revising Subpart A of 43 CFR Part 12, to implement the requirements of the Executive Order for grants/cooperative agreements awarded by bureaus/offices. The requirements also apply to subawards made under a grant or cooperative agreement.

The Office of Management and Budget (OMB) generally publishes governmentwide administrative requirements for grants and cooperative agreements and agencies implement these requirements in implementing regulations. Agencies have not been officially notified by OMB that they intend to publish governmentwide requirements in response to Executive Order 13043.

Because of the need for an implementation of the requirements, the Department is publishing this regulation to cover its own awards. Furthermore, through this regulation the Department will include a provision in grants and cooperative agreements awarded by the Department encouraging recipients to adopt and enforce on-the-job seat belt use policies and programs consistent with the Executive Order.

Compliance With Laws, Executive Orders, and Department Policy

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

This rule does not raise novel legal or policy issues.

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The Department has determined that this rule will not have a significant economic impact on small entities since any efforts undertaken by grantees to implement the requirements of the Order are not expected to have a significant economic impact and no additional costs will be imposed as a result of the rule. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them.

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Grantees are being encouraged to adopt and enforce on-the-job seat belt use policies and programs and no additional costs are expected to be imposed.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on the fact that the provision simply encourages Federal grantees to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. Federal grantees are also encouraged to conduct education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Grantees are being encouraged to adopt and enforce on-the-job seat belt use policies and programs and no additional costs are expected to be imposed. Most grantees probably already have programs in place to conduct education and awareness programs about the importance of wearing seat belts and the consequences of not wearing them. No additional costs are expected to be imposed. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

In accordance with Executive Order 12630, the rule does not have significant takings implications. A takings implication assessment is not required. No takings of personal property will occur as a result of this rule.

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Awards to governmental entities are governed by 43 CFR Part 12, Subpart C. Under section 12.76, a State is required to ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Therefore, this requirement will not be considered as interference by the Federal Government with State rights as described in Executive Order 13132. A Federalism Assessment is not required.

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83–I is not required.

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§ '' and a numbered heading; for example, § 12.2 Policy.) (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the proposed rule?

What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW,

Washington, DC 20240. You may also e-mail the comments to this address:

Exsec@ios.doi.gov

List of Subjects in 43 CFR Part 12

Administrative practice and procedure, Contract programs, Cooperative agreements, Grant programs, Grants administration, Reporting and recordkeeping requirements.

Dated: December 13, 1999.

Robert J. Lamb,

Acting Assistant Secretary—Policy, Management and Budget.

PART 12—[AMENDED]

Accordingly, Part 12 of title 43 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 12 is revised to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a, 701 *et seq;* Pub. L. 104–256, 110 Stat. 1396; sec. 501, Pub. L. 105–62, 111 Stat. 1338; sec. 503, Pub. L. 105-62, 111 Stat. 1339; sec. 303, Pub. L. 105–83, 111 Stat. 1589; sec. 307, Pub. L. 105–83, 111 Stat.1590; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., 215; E.O. 12689, 3 CFR, 1989 Comp., p. 235; E.O. 12731, 3 CFR, 1990 Comp., p. 306; E.O. 13043, 62 FR 19217; 3 CFR, 1997 Comp., p. 195; OMB Circular A–102; OMB Circular A–110; and OMB Circular A–133.

Subpart A—Administrative and Audit Requirements and Cost Principles for Assistance Programs

2. Section 12.2 is amended by adding paragraph (e) to read as follows:

§ 12.2 What policies are financial assistance awards and subawards in the form of grants and cooperative agreements subject to?

* * * * *

(e)(1) Executive Order 13043, ''Increasing Seat Belt Use in the United States,'' dated April 16, 1997, do?

(i) If you are a Federal grantee:

You are encouraged to—

(A) Adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally-owned vehicles.

(B) Conduct education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

(2) When does the policy apply?

(i) If a grant or cooperative agreement is being awarded by the bureau/office of the Department—The policy applies.

(ii) If the recipient awards a grant or cooperative agreement to a subrecipient—The policy applies.

(3) What term and condition will be incorporated into the grant/cooperative agreement or sub-award?

Provision

Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

End of Provision.

[FR Doc. 99–33165 Filed 12–23–99; 8:45 am]

BILLING CODE 4310–RF–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 219

[Docket No. RSOR–6; Notice No. 47]

RIN 2130–AA81

Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2000

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of Determination.

SUMMARY: Using data from Management Information System annual reports, FRA has determined that the 1998 rail industry random testing positive rate was .82 percent for drugs and .21 percent for alcohol. Since the industry-wide random drug testing positive rate continues to be below 1.0 percent, the Federal Railroad Administrator (Administrator) has determined that the minimum annual random drug testing rate for the period January 1, 2000 through December 31, 2000 will remain at 25 percent of covered railroad employees. Since the random alcohol testing violation rate has remained below .5 percent for the last two years, the Administrator has determined that the minimum random alcohol testing rate will be lowered to 10 percent of covered railroad employees for the period January 1, 2000 through December 31, 2000.

DATES: This notice is effective December 27, 1999.

FOR FURTHER INFORMATION CONTACT: Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1120 Vermont Avenue, N.W., Washington, D.C. 20005, (Telephone: (202) 493–6313).

SUPPLEMENTARY INFORMATION:

Administrator's Determination of 2000 Random Drug and Alcohol Testing Rates

In a final rule published on December 2, 1994 (59 FR 62218), FRA announced that it will set future minimum random drug and alcohol testing rates according to the rail industry's overall positive rate, which is determined using annual railroad drug and alcohol program data taken from FRA's Management Information System. Based on this data, the Administrator publishes a **Federal Register** notice each year, announcing the minimum random drug and alcohol testing rates for the following year (see 49 CFR 602 and 608).

Under this performance-based system, FRA may lower the minimum random drug testing rate to 25 percent whenever the industry-wide random drug positive rate is less than 1.0 percent for two calendar years while testing at 50 percent. (For both drugs and alcohol, FRA reserves the right to consider other factors, such as the number of positives in its post-accident testing program, before deciding whether to lower annual minimum random testing rates.) FRA will return the rate to 50 percent if the industry-wide random drug positive rate is 1.0 percent or higher in any subsequent calendar year.

In 1994, FRA set the 1995 minimum random drug testing rate at 25 percent because 1992 and 1993 industry drug testing data indicated a random drug testing positive rate below 1.0 percent; since then FRA has continued to set the minimum random drug testing rate at 25 percent as the industry positive rate has consistently remained below 1.0 percent. In this notice, FRA announces that the minimum random drug testing rate will stay at 25 percent of covered railroad employees for the period January 1, 2000 through December 31, 2000, since the industry random drug testing positive rate for 1998 was .82 percent.

FRA implemented a parallel performance-based system for random alcohol testing. Under this system, FRA may lower the minimum random alcohol testing rate to 10 percent whenever the industry-wide violation rate is less than .5 percent for two calendar years while testing at a higher rate. FRA will raise the rate to 50 percent if the industry-wide violation rate is 1.0 percent or higher in any subsequent calendar year. If the industry-wide violation rate is less than 1.0 percent but greater than .5 percent, the rate will remain at 25 percent.

Random alcohol testing was fully implemented at a 25 percent minimum