

September 16, 1999, is amended as follows:

Paragraph 6007 Offshore Airspace Areas

* * * * *

East Coast Low [Revised]

That airspace extending upward from 2,000 feet MSL bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 39°25'46" N., long. 74°02'34" W.; to lat. 39°02'05" N., long. 73°39'30" W.; to lat. 40°04'20" N., long. 72°30'00" W.; to lat. 40°37'14" N., long. 72°30'00" W.; and that airspace bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 40°41'00" N., long. 72°17'00" W., thence along the northern boundary of Warning Areas W-106B and W-105A to lat. 40°58'33" N., long. 70°59'00" W.; to lat. 40°48'30" N., long. 70°30'00" W.; to lat. 40°59'00" N., long. 69°40'00" W.; to lat. 41°30'00" N., long. 69°10'00" W.; to lat. 42°05'00" N., long. 69°30'00" W.; to lat. 42°17'00" N., long. 69°49'30" W.; to lat. 42°17'00" N., long. 70°00'00" W.; to lat. 43°17'00" N., long. 70°00'00" W.; to lat. 43°33'56" N., long. 69°29'12" W.

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Issued in Washington, DC, on March 2, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00-6123 Filed 3-13-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ASO-19]

RIN 2120-AA66

Proposed Modification of Jet Route J-41; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the notice of proposed rulemaking (NPRM) published in the **Federal Register** on August 8, 1998. The FAA proposed to modify Jet Route J-41 (J-41) by altering J-41 between the Lee County, FL, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Seminole, FL, VORTAC. Since the issuance of the NPRM, the FAA has taken other actions to enhance the management of aircraft operations in the west/central Florida area. Based on this latter action, the FAA is withdrawing the notice to modify J-41.

DATE: This withdrawal is made on March 14, 2000.

FOR FURTHER INFORMATION CONTACT:

Terry Brown, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION: On August 8, 1998, an NPRM was published in the **Federal Register** proposing to amend 14 CFR part 71 to modify J-41 (63 FR 41485). Interested parties were invited to participate in the rulemaking process by submitting written data, views, or arguments regarding the proposal. No comments were received on the proposal.

The FAA originally proposed to modify J-41 to improve the management of aircraft operating in the west/central area of Florida and eliminate congestion in the area around the St. Petersburg VORTAC. Since the issuance of this NPRM, the FAA has expanded the service volume of the Seminole VORTAC which has eliminated congestion over the St. Petersburg VORTAC by allowing dual flows of aircraft into the west/central Florida area. In light of this recent improvement, the FAA has decided to withdraw its proposal to modify J-41 at this time.

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the Notice of Proposed Rulemaking, Airspace Docket No. 97-ASO-19, as published in the **Federal Register** on August 8, 1998 (63 FR 41485), is hereby withdrawn.

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

Issued in Washington, DC, on March 3, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00-6124 Filed 3-13-00; 8:45 am]

BILLING CODE 4910-13-P

POSTAL SERVICE

39 CFR Part 952

Rules of Practice in Proceedings Relative to False Representation and Lottery Orders

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to amend the Rules of Practice in Proceedings Relative to False Representation and Lottery Orders to establish administrative procedures for issuing subpoenas and imposing the statutorily authorized civil penalties in proceedings conducted under 39 U.S.C. 3005(a).

DATES: Comments must be received on or before April 13, 2000.

ADDRESSES: Written comments should be mailed to Diane M. Mego, Staff Counsel, Judicial Officer Department, 2101 Wilson Blvd., Suite 600, Arlington, VA 22201-3078. Copies of all written comments will be available for inspection and photocopying between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Diane M. Mego, Esq. 703-812-1905.

SUPPLEMENTARY INFORMATION: The Deceptive Mail Prevention and Enforcement Act, Pub. L. No. 106-168, 113 Stat. 1806, enacted on December 12, 1999, generally provides for the amendment of chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, and facsimile checks as well as amending provisions relating to administrative procedures and orders and adding civil penalties relating to such matters.

The Act grants the Judicial Officer authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Judicial Officer considers relevant or material in any statutory proceeding conducted under 39 U.S.C. 3005(a). The Act also authorizes new administrative civil penalties.

The Postal Service is proposing to make the following amendments to 39 CFR Part 952 to authorize the Judicial Officer to issue subpoenas under 39 U.S.C. 3005(a) and impose civil penalties for purposes of the Deceptive Mail Prevention and Enforcement Act.

List of Subjects in 39 CFR Part 952

Administrative practice and procedure, Fraud, False Representations, Lotteries, Penalties, Postal Service.

PART 952—[AMENDED]

1. The authority citation for part 952 is revised to read as follows:

Authority: 39 U.S.C. 204, 401, 3005, 3012, 3016.

§ 952.5 [Amended]

2. Section 952.5 is amended by adding “and/or the assessment of civil penalties” to the end of the first sentence.

§ 952.7 [Amended]

3. Section 952.7(b) is amended by:
A. Adding “and/or the assessment of civil penalties authorized by 39 U.S.C. 3012” to the end of the first sentence; and

B. Inserting “tentatively assess such civil penalties as he considers appropriate under applicable law;” after the phrase “release of mail unrelated to the matter complained of;” in the third sentence.

§ 952.11 [Amended]

4. Section 952.11 is amended by:

A. Adding “and/or assess civil penalties” after “orders” in the second sentence of paragraph (a); and

B. Adding “and/or assess civil penalties” after “orders” in paragraph (b).

§ 952.17 [Amended]

5. Section 952.17(b)(10) is amended by adding “§ 952.19 and” before “§ 952.21”.

6. Section 952.19 is revised to read as follows:

§ 952.19 Subpoenas.

(a) *General.* Upon written request of either party filed with the Recorder or on his own initiative, the presiding officer may issue a subpoena requiring:

(1) Testimony at a deposition. The deposing of a witness in the city or county where the witness resides or is employed or transacts business in person, or at another location convenient for the witness that is specifically determined by the presiding officer;

(2) Testimony at a hearing. The attendance of a witness for the purpose of taking testimony at a hearing; and

(3) Production of records. In addition to paragraphs (a)(1) and (a)(2) of this section, the production by the witness at the deposition or hearing of records designated in the subpoena.

(b) *Voluntary cooperation.* Each party is expected:

(1) To cooperate and make available witnesses and evidence under its control as requested by the other party, without issuance of a subpoena, and

(2) To secure voluntary production of desired third-party records whenever possible.

(c) *Requests for subpoenas.* (1) A request for a subpoena shall to the extent practical be filed:

(i) At the same time a request for deposition is filed; or

(ii) 15 days before a scheduled hearing where the attendance of a witness at a hearing is sought.

(2) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any records sought.

(3) The presiding officer, in his discretion, may honor requests for subpoenas not made within the time limitations specified in this paragraph.

(d) *Requests to quash or modify.* Upon written request by the person subpoenaed or by a party, made within 10 days after service but in any event not later than the time specified in the subpoena for compliance, the presiding officer may:

(1) Quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or

(2) Require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed records. Where circumstances require, the presiding officer may act upon such a request at any time after a copy has been served upon the opposing party.

(e) *Form; issuance.* (1) Every subpoena shall state the title of the proceeding, shall cite 39 U.S.C. 3016(a)(2) as the authority under which it is issued, and shall command each person to whom it is directed to attend and give testimony, and if appropriate, to produce specified records at a time and place therein specified. In issuing a subpoena to a requesting party, the presiding officer shall sign the subpoena and may, in his discretion, enter the name of the witness and otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(2) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and of the officer who serves the subpoena. The failure to make payment of such charges on demand may be deemed by the presiding officer as sufficient ground for striking the testimony of the witness and the evidence the witness has produced.

(f) *Service.* (1) The party requesting issuance of a subpoena shall arrange for service.

(2) *Service within the United States.* A subpoena issued under this section may be served by a person designated under 18 U.S.C. 3061 or by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age at any place within the territorial jurisdiction of any court of the United States.

(3) *Foreign Service.* Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

(4) *Service on Business Persons.* Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by:
(i) Delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(ii) Delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

(iii) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(5) *Service on Natural Persons.* Service of any subpoena may be made upon any natural person by:

(i) Delivering a duly executed copy to the person to be served; or

(ii) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

(6) *Verified Return.* A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

(g) *Contumacy or refusal to obey a subpoena.* In the case of contumacy or refusal to obey a subpoena, the Judicial Officer may request the Attorney General to petition the district court for any district in which the person receiving the subpoena resides, is found, or conducts business (or in the case of a person outside the territorial jurisdiction of any district court, the district court for the District of

Columbia) to issue an appropriate order for the enforcement of such subpoena. Any failure to obey such order of the court may be punishable as contempt.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00-6093 Filed 3-13-00; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 200-0217; FRL-6550-5]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing revisions to the California State Implementation Plan (SIP). The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). These revisions concern the New Source Review requirements and the methodology for calculating facility allocations for oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) for sources subject to the Regional Clean Air Incentives Market (RECLAIM) program in the SCAQMD. This proposed action will, if finalized, incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate the construction and modification of stationary sources and

the calculation of RECLAIM facility allocations in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act).

The intended effect of this action is to regulate emissions of NO_x and SO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by March 29, 2000.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460;

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812;

South Coast Air Quality Management District 21865 E. Copley Drive Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Canaday, Rulemaking Office (AIR-4), Air Division, U.S.

Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1202.

SUPPLEMENTARY INFORMATION: This document concerns South Coast Air Quality Management District (SCAQMD) Rule 2002—Allocations for Oxides of Nitrogen (NO_x) and Oxides of Sulfur (SO_x), and Rule 2005—New Source Review for RECLAIM. These rules were submitted by the California Air Resources Board (CARB) to EPA on August 22, 1997, and July 23, 1999, respectively. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: January 21, 2000.

Laura Yoshii,

Deputy Regional Administrator, Region IX.

[FR Doc. 00-6095 Filed 3-13-00; 8:45 am]

BILLING CODE 6560-50-P