The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received with the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99-ACE-46." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, 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

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 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, Airspace Designations and Reporting Points, dated September 10, 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.

* * * * *

ACE MO E5 Mountain View, MO [Revised]

Mountain View Airport, MO
(Lat 36°59'34" N., long. 91°42'52" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mountain View Airport and within 2.6 miles each side of the 108° bearing from the Mountain View Airport, extending from the 6.5-mile radius to 7 miles east of the airport.

Issued in Kansas City, MO, on October 13, 1999.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99-27927 Filed 11-2-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 285

[Docket No. 990927264.9264.01]

National Voluntary Laboratory Accreditation Program; Amendment of Regulations

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Final rule.

SUMMARY: On February 20, 1996, the Director of NIST delegated certain designated authorities under the National Voluntary Laboratory Accreditation Program (NVLAP) regulations to the Chief of the Laboratory Accreditation Program at NIST. This document amends the NVLAP regulations to reflect the delegation of authority. The amendments will only affect Agency organization, procedure and practice.

EFFECTIVE DATE: November 3, 1999.

FOR FURTHER INFORMATION CONTACT: Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, 100 Bureau Drive, Stop 2140, Gaithersburg, MD, 20899-2140; or, by e-mail at *nvlap@nist.gov*.

SUPPLEMENTARY INFORMATION:

Background

Title 15 Part 285 of the Code of Federal Regulations sets out procedures and general requirements under which the National Voluntary Laboratory

Accreditation Program (NVLAP) operates as an unbiased third party to accredit both calibration laboratories and testing laboratories. NVLAP accredits laboratories in response to (a) mandates by the Federal Government; (b) requests from a government agency; and (c) requests from a private sector organization.

The NVLAP procedures were first published in the **Federal Register** on February 25, 1976, and have been revised several times since then. Certain authorities under the NVLAP regulations were given to the Director of NIST. In accordance with 15 CFR subpart A, section 285.5, the Director of NIST delegated these authorities to the Chief of the National Voluntary Laboratory Accreditation Program on February 20, 1996, in a memorandum to the Director of the Office of Standards Services. The delegation of authority was not extended to the conclusion of any agreements with the governments of other countries referenced in Section 285.11(f) of Title 15 of the Code of Federal Regulations.

Purpose

The purpose of this rule is to amend Part 285 of Title 15 of the CFR so that it conforms to the current delegation of authority.

Rulemaking Requirements

Under Title 5 United States Code Section 553, this rule is not subject to the notice and comment requirements of the Administrative Procedure Act. This rule only relates to Agency organization, management or personnel (5 USC 553 (a)(2)).

PRA Clearance. This rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

Executive Order 12866: This rule is exempt under Section 3(d)(3) of E.O. 12866.

Regulatory Flexibility Act. This action is exempt from the analytical requirements of the Regulatory Flexibility Act because notice and comment are not required for this action by Section 553 of the Administrative Procedure Act or any other law.

List of Subjects in 15 CFR Part 285

Business and industry, Commerce, Laboratories, Measurement standards.

Dated: October 26, 1999.

Karen H. Brown,

Deputy Director.

For the reasons set forth in the preamble, Title 15 of the Code of Federal Regulations (CFR), part 285 is amended as follows:

PART 285—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

1. The authority citation for 15 CFR part 285 continues to read as follows:

Authority: 15 U.S.C. 272 et seq.

§ 285.3 [Amended]

2. In § 285.3(c) remove the phrase, "Director of the National Institute of Standards and Technology (NIST)" and add, in its place, the phrase "Chief of NVLAP."

§ 285.11 [Amended]

3. In § 285.11 (a) and (d) introductory text, remove the phrase, "Director of NIST" and add, in its place, the phrase "Chief of NVLAP."

4. In § 285.11(e) introductory text, remove the phrase, "Director" and add, in its place, the phrase "Chief of NVLAP."

§ 285.12 [Amended]

5. In § 285.12(a) introductory text, (b) introductory text (twice), (c), (d), and (e), remove the phrase, "Director of NIST" and add, in its place, the phrase "Chief of NVLAP."

§ 285.13 [Amended]

6. In 285.13 (a) and (d), remove the phrase, "Director of NIST" and add, in its place, the phrase "Chief of NVLAP."

§ 285.14 [Amended]

7. In § 285.14(a) introductory text and (d), remove the phrase, "Director of NIST" and add, in its place, the phrase "Chief of NVLAP."

§ 285.19 [Amended]

8. In § 285.19(a) (twice) and (c) (twice), remove the phrase, "Director of NIST" and add, in its place, the phrase "Chief of NLAP."

[FR Doc. 99-28665 Filed 11-2-99; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Office of the Commissioner and the Center for Drug Evaluation and Research

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the delegations of authority statement that covers general redelegations of authority from the Commissioner of Food and Drugs to other officers of FDA. The amendment delegates authority to perform all functions relating to waivers or reductions of prescription drug user fees under the Prescription Drug User Fee Act of 1992 (PDUFA), as originally enacted and as reauthorized by the FDA Modernization Act of 1997 (the Modernization Act), to the Director, Center for Drug Evaluation and Research (CDER) and to the Associate Director for Policy, CDER, except for the functions that pertain to situations where "the fees will exceed the anticipated present and future costs." The authority to waive or reduce user fees, previously redelegated to the Chief Mediator and Ombudsman/User Fee Waiver Officer, the Deputy Chief Mediator and Ombudsman, and the Deputy User Fee Waiver Officer is hereby revoked, except the authority to act upon requests for reconsideration of any user fee decision made by such officers prior to July 1, 1999. Also, as a result of the June 20, 1999, FDA reorganization, the Office of Operations component and the Deputy Commissioner for Operations position were abolished; therefore, the Deputy Commissioner will assume the role of the User Fee Appeals Officer and perform the associated functions.

EFFECTIVE DATE: July 1, 1999.

ADDRESSES: As of July 1, 1999, submit all requests for waivers, refunds, and reductions in user fees under PDUFA, originally enacted and reauthorized by the Modernization Act, to the Associate Director for Policy, Center for Drug Evaluation and Research (HFD-5), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, Attn: User Fee Waiver Office. Submit requests sent via a courier that requires a street address to the Associate Director for Policy, Center for Drug Evaluation and Research (HFD-5), Food and Drug Administration, 1451 Rockville Pike, Rockville, MD 20852, Attn: User Fee Waiver Office. Submit requests for reconsideration of user fee waiver determinations made prior to the effective date of this document to the Office of the Chief Mediator and Ombudsman, (HF-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Beverly J. Friedman, User Fee Staff (HFD-5), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041, or

Donna G. Page, Division of Management Programs (HFA-340),