

affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IV. Submission to Congress and the Comptroller General

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 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 the rule in the **Federal Register**. This 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: August 11, 1999.

James Jones,

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.

§ 180.515 [Amended]

2. In § 180.515, by amending the table in paragraph (b) by revising the date "10/31/99" to read "12/31/00".

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 303-70

[FTR Amendment 86]

RIN 3090-AH04

Federal Travel Regulation; Agency Requirements for Payment of Expenses Connected With the Death of Certain Employees

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) provisions pertaining to payment by the Government of expenses connected with the death of certain employees while performing official Government travel,

and for transportation of the remains of a member of the employee's immediate family who dies while residing with the employee outside the continental United States (CONUS) or in transit thereto or therefrom. This amendment implements the authority provided in 5 U.S.C. 5742 to pay certain expenses in connection with escort of remains of certain employees. It also amends a CFR section heading to clarify that the regulation applies when a member of an employee's immediate family is in transit from as well as to the employee's duty station outside CONUS.

DATES: This final rule is effective August 23, 1999, and applies to payment of expenses in connection with the escort of remains of certain employees on or after August 23, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Batton, Travel and Transportation Management Policy Division, at (202) 501-1538.

SUPPLEMENTARY INFORMATION:

A. Background

Public Law 105-277, October 21, 1998, amended 5 U.S.C. 5742 to allow for payment of travel expenses as follows:

the travel expenses of not more than 2 persons to escort the remains of a deceased employee, if death occurred while the employee was in travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom, from the place of death to the home or official station of such person, or such other place appropriate for interment as is determined by the head of the agency concerned.

B. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

C. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 303-70

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR part 303-70 is amended as follows:

PART 303-70—AGENCY REQUIREMENTS FOR PAYMENT OF EXPENSES CONNECTED WITH THE DEATH OF CERTAIN EMPLOYEES

1. The authority citation for part 303-70 continues to read as follows:

Authority: 5 U.S.C. 5721-5738; 5741-5742; E.O. 11609, 3 CFR, 1971-1975 Comp., p. 586.

2. Section 303-70.100 is revised to read as follows:

§ 303-70.100 May we pay the travel expenses for an escort for the remains of a deceased employee?

Yes, in accordance with §§ 303-70.600 through 303-70.602.

3. Section 303-70.403 is amended by revising the section heading to read as follows:

§ 303-70.403 When a family member, residing with the employee, dies while in transit to or from the employee's duty station outside CONUS, must we furnish mortuary services and/or transportation of the remains?

* * * * *

4. Part 303-70 is amended by adding Subpart G to read as follows:

Subpart G—Escort of Remains

Sec.

303-70.600 How many persons may we authorize travel expenses for to escort the remains of a deceased employee?

303-70.601 Under what circumstances may we authorize the escort of remains?

303-70.602 What travel expenses may we authorize for the escort of remains?

Subpart G—Escort of Remains

§ 303-70.600 How many persons may we authorize travel expenses for to escort the remains of a deceased employee?

Travel expenses may be authorized for no more than two persons.

§ 303-70.601 Under what circumstances may we authorize the escort of remains?

Escort of remains may be authorized when the employee's death occurs:

(a) While in a travel status away from his/her official station in the United States; or

(b) While performing official duties outside the United States or in transit thereto or therefrom.

§ 303-70.602 What travel expenses may we authorize for the escort of remains?

You may authorize any travel expenses in accordance with chapter 301 of this title that are necessary for the escort of remains to:

(a) The home or official station of the deceased; or

(b) Any other place appropriate for interment as determined by the head of your agency.

Dated: July 8, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99-21811 Filed 8-20-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 101

[FCC 99-179—ET Docket No. 95-183]

37.0-38.6 GHz and 38.6-40.0 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission concludes that licensing the 39 GHz band by Economic Areas (EAs), rather than Basic Trading Areas (BTAs), will provide ample population coverage and allow licensees the flexibility to provide many different types of services. This action was taken upon the Commission's own motion after consideration of Rand McNally's copyright interest in BTAs and the possible delays that this might cause to the 39 GHz licensing process. The Commission also concludes that it is in the public interest to allow licensees to partition along any licensee-defined service area. This action was taken in response to a petition for reconsideration of the Commission's earlier action in this proceeding allowing partitioning according to county boundaries or geo-political subdivisions. Finally, the Commission decides to exempt 39 GHz licensees from a build-out requirement of mandatory operation with 18 months from the initial date of grant. This action was taken because there is a new performance requirement of a substantial service showing for 39 GHz licensees. These amended rules will provide 39 GHz licensees with more flexibility in the use of their licenses. **DATES:** Effective October 22, 1999. Written comments by the public on the

proposed information collection are due October 22, 1999. Written comments must be submitted to the Office of Management and Budget on the proposed information collection on or before October 22, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C207, Washington, DC 20554. A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth Street, S.W., Room 1-C804, Washington, DC 20554 or via the Internet to jboley@fcc.gov; and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 Seventeenth Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Jennifer Burton, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, (202) 418-0680. TTY: (202) 418-7233. For further information concerning the information collection contained in the *Memorandum Opinion and Order*, contact Judy Boley at (202) 418-0215 or via the Internet to jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order (MO&O)*, ET Docket No. 95-183, FCC 99-179, adopted July 14, 1999, and released on July 29, 1999. This *Memorandum Opinion and Order* reaffirms the Commission's decision to dismiss, without prejudice, the following applications: (1) all pending mutually exclusive 39 GHz applications where mutual exclusivity was not resolved by December 15, 1995; (2) all major modification applications and amendments filed on or after November 13, 1995; and (3) all amendments to resolve mutual exclusivity filed on or after December 15, 1995. It also states that the Commission will process all 39 GHz applications that were not mutually exclusive with previously filed applications as of December 15, 1995, that conform in all aspects to our rules and all associated amendments of right filed before December 15, 1995, where such applications have satisfied the 30-day public notice requirement, even if they have not been subject to the full 60-day window during which competing mutually exclusive applications may be filed. The Commission will dismiss, without prejudice, all 39 GHz applications that did not meet the 30-day public notice requirement as of November 13, 1995. This conforms with section 101.37(c) of the Commission's Rules, which states