

DEPARTMENT OF LABOR

Employment and Training
Administration**Workforce Investment Act: Indian and Native American Employment and Training Programs; Solicitation for Grant Applications: Final Grantee Designation Procedures for Program Years 2000 and 2001**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of final designation procedures for grantees.

SUMMARY: This document contains the procedures by which the Department of Labor (DOL) will select and designate service providers for Program Years 2000 and 2001 for Indian and Native American Employment and Training Programs under the Workforce Investment Act. Grantees or potential eligible providers participating in Public Law 102-477 Demonstration Projects must apply for designation if they wish to receive WIA funds. This law allows Federally-recognized tribes to consolidate their formula-funded employment and training and related dollars under a single service plan administered by the Bureau of Indian Affairs. This notice provides the information that applicants need to submit appropriate requests for designation.

DATES: Notices of Intent must be received in the Department by October 1, 1999, or no later than 30 days from date of publication of this solicitation in the **Federal Register**, whichever is later. If not received by that **Federal Register** publication date, Notices of Intent must be postmarked by the U.S. Postal Service no later than that publication date. Failure to meet this requirement will disqualify the applicant from further consideration.

ADDRESSES: Send a signed original and two copies of the Notice of Intent to Mr. James C. DeLuca, Chief, Division of Indian and Native American Programs, Room N-4641 FPB ATTN: MIS Desk, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:**Workforce Investment Act: Indian and Native American Programs; Final Designation Procedures for Program Years 2000 and 2001****Table of Contents**

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Introduction: Scope and Purpose of Notice

Section 166 of the Workforce Investment Act (WIA) authorizes programs to serve the employment and training needs of Indians and Native Americans.

Requirements for these programs are set forth in the Act, and in the WIA section 166 regulations at 20 CFR part 668, published at 64 FR 18622, 18736 (April 15, 1999). The specific eligibility and application requirements for designation are set forth at 20 CFR part 668, subpart B. Pursuant to these requirements, the Department of Labor (DOL) selects entities for funding under WIA, section 166 for a two-year designation period. Designated Native American section 166 service providers will be funded annually during the designation period, contingent upon all other grant award requirements being met and the continuing availability of Federal funds.

The Notice of Intent (see Part II, below) is mandatory for all applicants. Any organization interested in being designated as a Native American section 166 grantee should be aware of and comply with the procedures in these parts.

The amount of WIA section 166 funds to be awarded to designated Native American organizations is determined under procedures described at 20 CFR 668.296(b) and not through this designation process.

I. General Designation Principles

Based on WIA and applicable regulations, the following general principles are intrinsic to the designation process:

(1) *All applicants* for designation shall comply with the requirements found at 20 CFR part 668, subpart B, which contains the basic eligibility, application, and designation requirements. Potential applicants should be aware that a non-incumbent entity must have a population within the designated geographic service area which would provide formula funding under 20 CFR 668.296(b) in the amount of at least \$100,000 per program year. Federally-recognized tribes wishing to participate in the demonstration under Public Law 102-477 must have a service area and population which generates at least \$20,000 per year in section 166 formula funds.

(2) High unemployment, lack of training, lack of employment

opportunity, societal and other barriers exist within predominantly INA communities and among INA groups residing in other communities. The nature of this program is such that Indians and Native Americans are best served by a responsible Indian and Native American organization directly representing them, with the demonstrated knowledge and ability to coordinate resources within the respective communities. The WIA and the governing regulations establish a priority for Indian and Native American organizations. That priority is the basis for the steps which will be followed in designating grantees.

(3) *A Federally-recognized tribe, band or group on its reservation, and Alaska Native entities defined in the Alaska Native Claims Settlement Act (ANCSA) or consortia that include a tribe or an entity are given highest priority over any other organization if they have the capability to administer the program and meet all eligibility and regulatory requirements. This priority applies only to the areas over which the organizations have legal jurisdiction.*

In the event that such a tribe, band or group (including an Alaska Native entity) is not designated to serve its reservation or geographic service area, the DOL will consult with the governing body of such entities when designating alternative service deliverers. Such consultation may be accomplished in writing, in person, or by telephone, as time and circumstances permit. When it is necessary to select alternative service deliverers, the Grant Officer will, in accordance with 20 CFR 668.280, whenever possible, accommodate the views and recommendations of the INA community leaders and the Division of Indian and Native American Programs (DINAP).

(4) In designating Native American section 166 grantees for areas not covered by the highest priority in accordance with (3) above, DOL will designate Indian and Native American-controlled organizations as service providers. This would include the group referred to in (3) applying for off-reservation areas. As noted in (3) above, when vacancies occur, the Grant Officer will select alternates in accordance with 20 CFR 668.280.

(5) Incumbent and non-incumbent applicants seeking additional areas are expected to clearly demonstrate a working knowledge of the community that they plan to serve, including available resources, resource utilization and acceptance by the service population.

(6) Special employment and training services for Indian and Native American

people have been provided through an established service delivery network for the past 24 years under the authority of JTPA section 401 and its predecessor, section 302 of the repealed Comprehensive Employment and Training Act (CETA). The DOL intends to exercise its designation authority to both preserve the continuity of such services and to prevent the undue fragmentation of existing geographic service areas. Consistent with the present regulations and other provisions of this notice, this will include priority for those Native American organizations with an existing demonstrated capability to deliver employment and training services within an established geographic service area, and for organizations which directly represent the recipients of WIA services. Such preference will be determined through input and recommendations from the Chief of DOL's Division of Indian and Native American Programs (DINAP) and the Director of DOL's Office of National Programs (ONP).

(7) In preparing applications for designation, applicants should bear in mind that the purpose of section 166 of WIA is "to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

(A) To develop more fully the academic, occupational, and literacy skills of such individuals;

(B) To make such individuals more competitive in the workforce; and

(C) To promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities."

II. Notice of Intent

1. Dates and Address for Submittal

Send a signed original and two copies of the completed Notice of Intent (NOI) to Mr. James C. DeLuca, Chief, Division of Indian and Native American Programs, Room N-4641 FPB, ATTN: MIS Desk, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

Notices of Intent which comply with the requirements of this solicitation must be received by or postmarked by October 1, 1999, or 30 days from date of publication of this solicitation in the **Federal Register**, whichever is later. NOIs not received by the publication deadline will be accepted only with an official, U.S. Postal Service postmark indicating timely submission. Dates indicating submission by private express delivery service or by metered

mail are unacceptable as proof of submission.

When more than one eligible organization applies to provide services in the same area, a review of the applicants will be conducted and when necessary, a competitive selection will be made. Competing applicants will be notified of such competition no later than November 15, 1999, and may submit revised Notices of Intent to be received by the department or postmarked no later than January 5, 2000. At a minimum, revised Notices of Intent should include the information required in Part A as applicable and Part B. All Notices of Intent must be submitted to the Chief of DINAP at the above address.

2. Notice of Intent Content and Procedure

The information required in *Part A* must be provided by *all applicants*. Additionally, *competing organizations* will be required, if notified by the Grant Officer, to provide the information in *Part B*.

Part A

1. A completed SF-424, "Application for Federal Assistance", signed by the authorized signatory official;

2. An identification of the applicant's legal status, including articles of incorporation or consortium agreement as appropriate;

3. A specific description of the territory being applied for, by State(s), counties, reservation(s) or similar area, or service population;

4. A very brief summary, including the funding source, contact person and phone number of the employment and training or human resource development programs serving Native Americans that the entity currently operates or has operated within the previous two-year period;

5. A brief description of the planning process used by the entity, including involvement of the governing body and local employers.

6. Evidence to establish an entity's ability to administer funds under 20 CFR 668.220 and 668.230 which should at a minimum include:

(a) A statement that fraud or criminal activity has not been found in the organization, OR a brief description of the circumstance where it has been found and a description of resolution, corrective action and current status, AND

(b) A narrative demonstrating that an entity has or can acquire the necessary program and management personnel to safeguard federal funds and effectively deliver program services that support

the purposes of the Workforce Investment Act, AND

(c) If not otherwise provided, a narrative demonstrating that an entity has successfully carried out or has the ability to successfully carry out activities that will strengthen the ability of the individuals served to obtain or retain unsubsidized employment, including the past two-year history of publically funded grants/contracts administered including identification of the fund source and a contact person.

The Grant Officer may require additional, clarifying, or other information including a site visit, prior to designating applicants.

Part B

If the Grant Officer determines that there is competition for all or part of a given service area, the following information will be required of competing entities:

(1) Evidence that the entity represents the community proposed for services such as: Demonstration of support from Native American-controlled organizations, State agencies, or individuals in a position to speak to the employment and training competence of the entity in the specific area applied for; and

(2) Submission of a service plan and other information expanding on the information required at Part A which the applicant feels can strengthen its case, including information on any unresolved or outstanding administrative problems.

Exclusive of charts or graphs and letters of support, the additional information submitted to augment the Notice of Intent in a situation involving competition should not exceed 75 pages of double-space unredacted type.

Incumbent and non-incumbent Federally-recognized tribes and Alaska entities need not submit evidence of support regarding their own reservations or areas of legal jurisdiction. However, such entities are required to provide such evidence for any area which they wish to serve beyond their reservation boundaries, or their Congressionally-mandated or Federally-established service areas.

All applicants for non-contiguous geographic service areas must prepare a separate, complete Notice of Intent (including the above-referenced supplementary information if applicable) for each such area.

III. Use of Panel Review Procedure

An initial review of all applicants, conducted by DINAP and with the concurrence of the Grant Officer, will identify priority applicants and

recommend those areas requiring further competition. A formal panel review process may be utilized under the following circumstances:

(1) When one or more new applicants, none qualifying for the highest priority for the requested area, can demonstrate the potential for superiority over the incumbent organization, OR

(2) When two or more applicants, none qualifying for the highest priority, request an area and the incumbent organization fails to apply for designation.

When further competition occurs, the Grant Officer will convene a review panel to score the information submitted with the Notice of Intent (Part A and B). This panel will include individuals with knowledge of or

expertise in programs dealing with Indians and Native Americans. The purpose of the panel is to review and evaluate an organization's potential, *based on its application (including the required supplemental information)*, to provide services to a specific Native American community, to rate the proposals in accordance with the rating criteria and to make recommendations to the Grant Officer. The panel will be provided the information described in the Notice of Intent and supplemental information provided through the Grant Officer.

It is DOL's policy that no information affecting the panel review process will be solicited or accepted past the regulatory postmarked or hand-delivered deadlines. All information

provided before these deadlines must be in writing.

This policy does not preclude the Grant Officer from requesting additional information independent of the panel review process.

During the review, the panel will not give weight to undocumented assertions. Any information must be supported by adequate and verifiable documentation, *e.g.*, supporting references must contain the name of the contact person, an address, and telephone number. Panel recommendations are advisory to the Grant Officer.

The factors listed below will be considered in evaluating the applicants approach to providing services.

	Points
1. (a) Previous experience in successfully operating an employment and training program serving Indians and Native Americans, OR (b) Previous experience in operating other human resources development programs serving Indians or Native Americans or coordinating employment and training services.	20
2. Approach to providing services including: Identification of the training and employment problems and needs in the requested area and approach to addressing such needs and demonstration of the ability to maintain continuity of services to Indian or Native American participants consistent with those previously provided in the community	40
3. Description of Planning Process including involvement of community leaders, involvement with local Workforce Investment Boards and Youth Councils, etc	15
4. Coordination, linkages and the ability to utilize existing resources within the community, including one-stop systems (as applicable), to eliminate duplication of effort	15
5. Demonstration of support and recognition of the Native American community and service population	10
Total	100

IV. Notification of Designation/ Nondesignation

The Grant Officer will make the final designation decision giving consideration to the following factors: the review panel's recommendation, in those instances where a panel is convened; input from DINAP, the Office of National Programs, other offices within the Employment and Training Administration, and the DOL Office of the Inspector General; and any other available information regarding the organization's financial and operational capability, and responsibility. The Grant Officer will select the entity that demonstrates the ability to produce the best outcomes for its customers. Decisions will be made by March 1, 2000, and will be provided to applicants as follows:

(1) *Designation Letter.* The designation letter signed by the Grant Officer will serve as official notice of an organization's designation. The letter will include the geographic service area for which the designation is made. It should be noted that the Grant Officer is not required to adhere to the geographical service area requested in the Notice of Intent. The Grant Officer

may make the designation applicable to all of the area requested, a portion of the area requested, or if acceptable to the designee, more than the area requested.

(2) *Conditional Designation Letter.* Conditional designations will include the nature of the conditions, the actions required to be finally designated and the time frame for such actions to be accomplished. Failure to satisfy such conditions may result in a withdrawal of designation.

(3) *Non-Designation Letter.* Any organization not designated, in whole or in part, for a geographic service area requested will be notified formally of the Non-Designation and given the basic reasons for the determination. An applicant for designation which is refused such designation, in whole or in part, will be afforded the opportunity to appeal its Non-Designation as provided at 20 CFR 668.270.

V. Special Designation Situations

(1) *Alaska Native Entities*

DOL has established geographic service areas for Alaska Native employment and training grantees based on the following: (a) The boundaries of the regions defined in the Alaska Native

Claims Settlement Act (ANCSA); (b) the boundaries of major sub-regional areas where the primary provider of human resource development related services is an Indian Reorganization Act (IRA)-recognized tribal council; and (c) the boundaries of the one Federal reservation in the State. Within these established geographic service areas, DOL will designate the primary Alaska Native-controlled human resource development services provider or an entity formally selected by such provider. In the past, these entities have been regional nonprofit corporations, IRA-recognized tribal councils, and the tribal government of the Metlakatla Indian Community. DOL intends to follow these principles in designating Native American grantees in Alaska for Program Years 2000 and 2001.

(2) *Oklahoma Indians*

DOL has established a service delivery system for Indian employment and training programs in Oklahoma based on a preference for Oklahoma Indian tribes and organizations to serve portions of the State. Generally, service areas have been designated geographically as countywide areas. In cases in which a significant portion of

the land area of an individual county lies within the traditional jurisdiction(s) of more than one tribal government, the service area has been subdivided to a certain extent on the basis of tribal identification information contained in the most recent Federal Decennial Census of Population. Wherever possible, arrangements mutually satisfactory to grantees in adjoining or overlapping geographic service areas will be honored by DOL. Where mutually satisfactory arrangements cannot be made, DOL will designate and assign service area to Native American grantees in a manner which is consistent with WIA and that will preserve the continuity of services and prevent unnecessary fragmentation of the programs.

VI. Designation Process Glossary

In order to ensure that all interested parties have the same understanding of the process, the following definitions are provided:

(1) *Indian or Native American-Controlled Organization*

This is defined as any organization with a governing board, more than 50 percent of whose members are Indians or Native Americans. Such an organization can be a tribal government, Native Alaska or Native Hawaiian entity, consortium, or public or private nonprofit agency. For the purpose of designation determinations, the governing board must have decision-making authority for the WIA section 166 program. It should be noted that, pursuant to WIA section 166(d)(2)(B), individuals who were eligible to participate under section 401 of JTPA on August 6, 1998, shall be eligible to participate under WIA. Organizations serving such individuals shall be considered "Indian controlled" for WIA section 166 purposes.

(2) *Service Area*

This is defined as the geographic area described as States, counties, and/or reservations for which a designation is

made. In some cases, it will also show the specific population to be served. The service area is identified by the Grant Officer in the formal designation letter. Grantees must ensure that all eligible population members have equitable access to employment and training services within the service area.

(3) *Incumbent Organizations*

Organizations which are current grantees under JTPA section 401, during PY 1999, are considered incumbent grantees for the existing service area, for the purposes of WIA.

Signed at Washington, DC, this third day of September, 1999.

Anna W. Goddard,

Director, Office of National Programs.

James C. Deluca,

Chief, Division of Indian and Native American Programs.

E. Fred Tello,

Grant Officer, Division of Federal Assistance.

BILLING CODE 4510-30-P

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, State and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code):	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <div style="text-align: center;"> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </div>		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="text"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="text"/> <input type="text"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div style="text-align: center;"> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> </div> TITLE:		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):			
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$.00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____	
b. Applicant	\$.00	b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372	
c. State	\$.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$.00		
e. Other	\$.00		
f. Program Income	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
g. TOTAL	\$.00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

[FR Doc. 99-23687 Filed 9-10-99; 8:45 am]
BILLING CODE 4510-30-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors; Notice

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on September 18, 1999. The meeting will begin at 10:00 a.m. and continue until conclusion of the Board's agenda.

LOCATION: The W Seattle Hotel, 1112 Fourth Avenue, Seattle Washington 98101.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c) (10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of June 12, 1999.
3. Approval of minutes of the executive session of the Board's meeting of June 12, 1999.
4. Public Speakers.
5. Chairman's Report.
6. Members' Report.
7. President's Report
8. Inspector General's Report.
9. Consider and act on the report of the Board's Finance Committee.
10. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
11. Establish the Board's 1999 Annual Performance Reviews Committee to conduct the 1999 annual performance appraisals of the Corporation's President and its Inspector General.
12. Report on the status of the special panel established to study and report to the board on issues relating to LSC grantees' representation of legal alien workers and the requirement that they be "present in the United States."
13. Report by the President and Inspector General on the status of and

progress made with the Corporation's case service reporting system.

Closed Session

14. Briefing by the Inspector General on the activities of the OIG.
15. Briefing¹ by the President on internal personnel and operational matters.
16. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session

17. Consider and act on the proposed establishment of the office of Vice President for Government Relations and Public Affairs, and the appointment of Mauricio Vivero to that office.
18. Consider and act on the proposed establishment of the office of Vice President for Legal Affairs, and the appointment of Victor M. Fortuno to that office.
19. Consider and act on other business.
20. Public Comment.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336-8810.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336-8810.

Dated: September 7, 1999.

Victor M. Fortuno,
General Counsel.

[FR Doc. 99-23892 Filed 9-9-99; 1:07 pm]

BILLING CODE 7050-01-P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

United States Section; Correction of Notice of Intent To Prepare an Environmental Impact Statement for The El Paso-Las Cruces Regional Sustainable Water Project Sierra and Doña Ana Counties, New Mexico and El Paso County, Texas

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

¹ Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b) (a)(2) and (b). See also 45 CFR § 1622.2 & 1622.3

ACTION: Correcting text.

SUMMARY: This document corrects text appearing in the subject Notice of Intent that was published in the **Federal Register** (63 FR 47042-47043) on Thursday, September 3, 1998. The purpose of this correction is to add the United States Bureau of Land Management as a cooperating agency to the project.

EFFECTIVE DATE: August 3, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Echlin, Environmental Protection Specialist, Environmental Management Division, USBWC, 4171 North Mesa Street, C-310, El Paso, Texas 79902 or call 915/832-4741. E-mail: dougechlin@ibwc.state.gov.

SUPPLEMENTARY INFORMATION: On page 47043 of the Thursday, September 3, 1998 **Federal Register**, the incorrect text under section 3. Scoping Process is in the second column, "The United States Bureau of Reclamation and United States Fish and Wildlife Service have indicated that they will participate as cooperating agencies pursuant to 40 CFR 1501.6, to the extent possible." The correct text should read, "The United States Bureau of Reclamation, United States Fish and Wildlife Service, and United States Bureau of Land Management have indicated that they will participate as cooperating agencies pursuant to 40 CFR 1501.6, to the extent possible."

Dated: August 10, 1999.

William A. Wilcox, Jr.,
Legal Advisor.

[FR Doc. 99-23678 Filed 9-10-99; 8:45 am]

BILLING CODE 4710-03-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

September 8, 1999.

TIME AND DATE: 11:00 a.m., Tuesday, September 7, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW, Washington, DC.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commission that the Commission consider and act upon the following in closed session:

1. *Secretary of Labor on behalf of Bernardyn v. Reading Anthracite Co.*, Docket Nos. PENN 99-158-D and PENN 99-129-D (Issues include request to vacate or stay judge's order dissolving