

extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy 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-ASW-26." 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 level 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.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 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 14 CFR 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 the Federal Aviation Administration Order 7400.9G, *Airspace Designations and Reporting Points*, dated September 1, 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*

\* \* \* \* \*

#### ASW TX E5 El Paso, TX [Revised]

El Paso, Biggs AAF, TX

(Lat. 31°50'58" N., long. 106°22'48" W.)

El Paso International Airport, TX

(Lat. 31°48'24" N., long. 106°22'40" W.)

El Paso VORTAC, TX

(Lat. 31°48'57" N., long. 106°16'55" W.)

El Paso, West Texas Airport, TX

(Lat. 31°43'11" N., long. 106°14'21" W.)

That airspace extending upward from 700 feet above the surface within a 9.1-mile radius of Biggs AAF and within a 8.4-mile radius of El Paso International Airport and within 2 miles each side of the 050° bearing from the airport extending from the 8.4-mile radius to 13 miles northeast of the airport and within 1.6 miles each side of the 093° radial of the El Paso VORTAC extending from the 8.4-mile radius to 7.3 miles east of the VORTAC and within a 6.6-mile radius of the West Texas Airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on October 12, 1999.

**Robert N. Stevens,**

*Acting Manager, Air Traffic Division,  
Southwest Region.*

[FR Doc. 99-27504 Filed 10-28-99; 8:45 am]

BILLING CODE 4910-13-M

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### 29 CFR Parts 1604 and 1606

#### Sex Discrimination Guidelines and National Origin Discrimination Guidelines

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** This rule rescinds those paragraphs of the Equal Employment Opportunity Commission's (EEOC's) Sex Discrimination Guidelines and National Origin Discrimination Guidelines that set a standard for employer liability for harassment by supervisors. This action is necessary as a result of recent Supreme Court rulings.

**EFFECTIVE DATE:** October 29, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Dianna Johnston, Assistant Legal Counsel, Title VII/ADEA/EPA Division, Office of Legal Counsel, or Elaine Herskowitz, Senior Attorney/Advisor, Title VII/ADEA/EPA Division, Office of Legal Counsel. They can be reached at 202-663-4679. This final rule is also available in the following formats: large print, braille, electronic file on computer disk, and audio-tape. Copies may be obtained from the EEOC's Publication Center by calling 1-800-669-3362 (voice) or 1-800-669-6820 (TDD).

**SUPPLEMENTARY INFORMATION:** The EEOC is rescinding those subsections of the Sex Discrimination Guidelines, found in 29 CFR 1604.11(c), and the National Origin Discrimination Guidelines, found in 29 CFR 1606.8(c), that address employer liability for harassment by supervisors. The standard set forth in those subsections is no longer valid in light of the Supreme Court's rulings in *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). The Commission has issued detailed guidance interpreting those decisions and explaining the circumstances under which employers are vicariously liable for unlawful harassment by supervisors. See EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (6/18/99), EEOC Compliance Manual (BNA), N:4075 [Binder 3]; also available through EEOC's web site, at [www.eeoc.gov](http://www.eeoc.gov), or by calling the EEOC Publications Distribution Center, at 1-800-669-3362 (voice), 1-800-800-3302 (TTY).

**Regulatory Procedures****Regulatory Flexibility Act**

In accordance with the Regulatory Flexibility Act (Public Law 96-354, as amended by Public Law 104-121), the Commission has reviewed this regulation, and by approving it, certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12866**

This rule is not a significant regulatory action as defined in Executive Order 12866 and is therefore not subject to review by the Office of Management and Budget.

**List of Subjects****29 CFR Part 1604**

Advertising, Employee benefit plans, Equal employment opportunity, Sex discrimination.

**29 CFR Part 1606**

Equal employment opportunity.

For the Commission,

**Ida L. Castro,**  
Chairwoman.

**PART 1604—[AMENDED]**

1. The authority citation for part 1604 continues to read as follows:

**Authority:** Sec. 713(b), 78 Stat. 265, 42 U.S.C. 2000e-12.

2. Section 1604.11 is amended by removing and reserving paragraph (c).

3. Section 1604.11 is amended by adding Appendix A at the end of the section to read as follows:

**§ 1604.11 Sexual harassment.**

\* \* \* \* \*

**Appendix A to § 1604.11—Background Information**

The Commission has rescinded § 1604.11(c) of the Guidelines on Sexual Harassment, which set forth the standard of employer liability for harassment by supervisors. That section is no longer valid, in light of the Supreme Court decisions in *Burlington Industries, Inc. v. Ellerth*, 524 U.S.

742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). The Commission has issued a policy document that examines the Faragher and Ellerth decisions and provides detailed guidance on the issue of vicarious liability for harassment by supervisors. EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (6/18/99), EEOC Compliance Manual (BNA), N:4075 [Binder 3]; also available through EEOC's web site, at [www.eeoc.gov](http://www.eeoc.gov), or by calling the EEOC Publications Distribution Center, at 1-800-669-3362 (voice), 1-800-800-3302 (TTY).

**PART 1606—[AMENDED]**

4. The authority citation for part 1606 continues to read as follows:

**Authority:** Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*

5. Section 1606.8 is amended by removing and reserving paragraph (c).

6. Section 1606.8 is amended by adding Appendix A at the end of the section to read as follows:

**§ 1606.8 Harassment.**

\* \* \* \* \*

**Appendix A to § 1606.8—Background Information**

The Commission has rescinded § 1606.8(c) of the Guidelines on National Origin Harassment, which set forth the standard of employer liability for harassment by supervisors. That section is no longer valid, in light of the Supreme Court decisions in *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). The Commission has issued a policy document that examines the Faragher and Ellerth decisions and provides detailed guidance on the issue of vicarious liability for harassment by supervisors. EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (6/18/99), EEOC Compliance Manual (BNA), N:4075 [Binder 3]; also available through EEOC's web site, at [www.eeoc.gov](http://www.eeoc.gov), or by calling the EEOC Publications Distribution Center, at 1-800-669-3362 (voice), 1-800-800-3302 (TTY).

[FR Doc. 99-28291 Filed 10-28-99; 8:45 am]

BILLING CODE 6570-01-P

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****30 CFR Parts 46 and 48****RIN 1219-AB17****Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines; Correction**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects errors in the final rule for training and retraining of miners that appeared in the **Federal Register** on September 30, 1999. **EFFECTIVE DATE:** October 2, 2000.

**FOR FURTHER INFORMATION CONTACT:** Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

**SUPPLEMENTARY INFORMATION:** On September 30, 1999, in FR Doc. 99-25273 (64 FR 53080), MSHA published a final rule amending existing health and safety training regulations by establishing new training requirements for shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines. This document corrects errors in the preamble.

1. On page 53080, in the third column, in the second full paragraph the last three sentences from the end should read "Based on Table 2, MSHA estimates that mine operators will incur a total of 253,393 burden hours at a cost of about \$8.2 million in the first year, and in every other succeeding year (*i.e.*, 3, 5, 7, 9). MSHA estimates the mine operators will incur 240,575 burden hours at a cost of \$7.8 million in years 2, 4, 6, 8, etc. The first year burden hours and costs are composed by summing the figures in Tables 1, 2, 3, and 4."

2. On page 53081, Table 2 should read:

Table 2—Mine Operators' Annual Burden Hours and Costs

Prov.	Mines (1-5)		Mines (6-19)		Mines (≥20)		Totals	
	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
46.3 .....	254,584	\$8,614	166,180	\$5,620	124,032	\$4,321	545	\$18,554
46.5 .....	41,153	1,481,519	21,604	777,757	4,963	178,654	67,720	2,437,930
46.6 .....	8,534	307,213	4,641	167,066	1,092	39,327	14,267	513,606
46.7 .....	6,102	219,673	13,328	479,804	18,692	672,924	38,122	1,372,401
46.8 .....	34,944	1,257,994	15,538	559,369	5,552	199,882	56,035	2,017,246
46.9 .....	1,541	40,829	3,145	83,345	2,995	79,357	7,680	203,531