

preamble to the proposal (64 FR 65954–65975). We have placed in the docket a table identifying, by first author's name and exhibit number, the 80 studies in Table VI–B that were used to calculate the percentage reduction in total MSDs (Exhibit 26–1643). This table also identifies the studies used to derive other measures of program effectiveness, *i.e.*, the percent reduction in lost workday MSDs, the reduction in the number of workers' compensation claims, and the reduction in workers' compensation costs. In all, as noted in the Preliminary Risk Assessment, there are a total of 92 case studies providing quantitative evidence on one or more of these measures of the effectiveness of ergonomic program interventions in reducing MSDs. 64 FR 65948.

The reference to 88 studies at 64 FR 66002 and the associated information in Table IV–1 of the full economic analysis (Ex. 28–1) were included inadvertently as the result of an editorial error: the failure to update these references to reflect the final results reported in the Preliminary Risk Assessment. These references reflected an interim analysis of a contractor-provided database of case studies that had not yet undergone OSHA quality control reviews. Although OSHA is not relying on these materials in any way, in the event members of the public may be interested, OSHA is placing in the record two exhibits relevant to its interim analysis. Exhibit 26–1645 is the contractor-provided database of case studies on which OSHA based the interim analysis. Exhibit 26–1644 is a reconstruction, to the extent possible, of the interim analysis.

In sum, OSHA is providing this additional information to make clear that the Agency is relying on the evidence and data discussed in the Preliminary Risk Assessment, including Appendix VI–B, as the basis for its estimate of the effectiveness of ergonomic programs. This evidence is relevant both to the risk assessment and the economic analysis. OSHA is not relying on the statement referring to the 88 studies (64 FR 66002) or the information in Table IV–1 of the preliminary economic analysis (Exhibit 28–1, Chapter IV, pp. 747–748). OSHA notes that this clarification has no effect on OSHA's bottom line estimate that ergonomics programs similar to the one OSHA has proposed will achieve, on average, a 50 percent reduction in the incidence of musculoskeletal disorders. This estimate of effectiveness is substantially below the median and mean reductions projected by the Preliminary Risk Assessment (64 FR

65948) and by the statement on 64 FR 66002.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U. S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 6–96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 27th day of January, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Contracts under the Indian Self-Determination Act Removal of Regulations

AGENCY: Indian Health Service, HHS.

ACTION: Proposed Rule.

SUMMARY: The Indian Health Service (IHS) is proposing the elimination of 42 CFR part 36, subpart I, as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations.

DATES: Comments must be received on or before April 3, 2000.

ADDRESSES: Comments may be sent to Betty J. Penn, Regulations Officer, Indian Health Service, 12300 Twinbrook Parkway, Suite 450, Rockville, Maryland 20852; e-mailed to bPenn@hqe.IHS.gov; faxed to 301/443–2316; or hand delivered to the above address. Comments will be available for inspection at the above address from 9:00 a.m. through 4:00 p.m. Monday through Friday, beginning approximately 2 weeks after publication of this document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Leslie M. Morris, Director, Division of Regulatory and Legal Affairs, at Suite 450, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone: (301) 443–1116. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 24, 1996, the Department of Health and Human Services (HHS) and the Department of the Interior (DOI) issued joint regulations authorized by section

107 of the Indian Self-Determination and Education Assistance Act (ISDA), Public Law 93–638, as amended, 25 U.S.C. 450k. These joint regulations, published in the **Federal Register** on June 24, 1996, and codified at CFR part 900, replaced Department regulations codified at 42 CFR part 36, subpart I, “Contracts under the ISDA”; 48 CFR section 352.280–4, “Contracts awarded under the ISDA”; 48 CFR 352.380–4, “Contracts awarded under the ISDA; and 48 CFR subpart 380.4, “Contracts awarded under the ISDA;” because they are no longer necessary for the Administration of the IHS Programs.

Section 107(b) of the ISDA provides in pertinent part that “the secretary is authorized to repeal any regulation inconsistent with the provisions of this act.” The HHS has proposed at 64 FR 1344 to revise 48 CFR, Chapter 3, to streamline and simplify its acquisition regulations (HHSRA) in accordance with the directions of the National Performance Review. In so doing, the sections of 48 CFR eliminated by the joint rule (25 CFR part 900) issued by the HHS and the DOI would be removed. Therefore, this document proposes to eliminate only subpart I of 42 CFR part 36.

Publication of this proposed rule by the HHS provides the public and opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding this proposed rule to the location identified in the addresses section of this document.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget. It proposes only to remove obsolete regulations.

Regulatory Flexibility Act

The HHS certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act since it only proposes to remove obsolete regulations.

Executive Order 12612

The Department has determined that this rule does not have significant Federalism effects because it pertains solely to Federal-Tribal relations and will not interfere with the roles, rights, and responsibilities of States.

Paperwork Reduction Act of 1995

This regulation contains no information collection requirement that

would require notification of the Office of Management and Budget.

The authority to propose the elimination of these regulations is 42 U.S.C. 2003 and 25 U.S.C. 13.

List of Subjects in 42 CFR Part 36

American Indians, Alaska Natives, Government property, Health care, Indians—business and finance.

Dated: December 15, 1999.

Michael H. Trujillo,

Assistant Surgeon General Director, Indian Health Service.

Approved: January 20, 2000.

Donna E. Shalala,

Secretary of Health and Human Services.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 2003 and 25 U.S.C. 13, the Department proposes to remove subpart I of 42 CFR Part 36.

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BILLING CODE 4160-16-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-66, MM Docket No. 00-6, RM-9791]

Radio Broadcasting Services; McCook, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by McCook Radio Group, LLC, requesting the allotment of Channel 271C1 to McCook, NE, as the community's fifth local FM service. Channel 271C1 can be allotted to McCook in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.6 kilometers (12.2 miles) west, at coordinates 40-12-00 NL; 100-51-25 WL, to avoid a short-spacing to Station KKQY, Channel 270C1, Hill City, KS, and the pending application of Station KRNY, Channel 272C1, Kearney, NE. The Commission also proposes to editorially amend the FM Table of Allotments by substituting Channel 253C1 for Channel 253C2 at McCook to reflect the action taken pursuant to the one-step application (BMPH-19990301IC) of McCook Media Association specifying the higher class channel.

DATES: Comments must be filed on or before March 6, 2000, and reply comments on or before March 21, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W.,

Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David M. Stout, President, McCook Radio Group, LLC, 1811 West "O" Street, McCook, NE 69001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-6, adopted January 5, 2000, and released January 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-65, MM Docket No. 00-5, RM-9752]

Radio Broadcasting Services; Las Vegas and Pecos, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by BK

Radio seeking the substitution of Channel 268C3 for Channel 268A at Las Vegas, NM, the reallocation of Channel 268C3 to Pecos, NM, as the community's first local aural service, and the modification of its construction permit to specify operation on the higher class channel and Pecos as its community of license. Channel 268C3 can be allotted to Pecos in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.7 miles) east, at coordinates 35-32-54 North Latitude; 105-35-18 West Longitude, to accommodate petitioner's desired transmitter site.

DATES: Comments must be filed on or before March 6, 2000, and reply comments on or before March 21, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Shainis & Peltzman, Chartered, Suite 290, 1901 L Street, N.W., Washington, D.C. 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-5, adopted January 5, 2000, and released January 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.