

method using the taxpayer's actual combined absorption ratio and the amount of additional section 263A costs allocable to that property under the simplified resale method with historic absorption ratio election (\$645,000 - \$300,000 = \$345,000) exceeds \$100,000. Accordingly, W's historic absorption ratio is materially inaccurate for 1999.

(viii) Since W's historic absorption ratio was materially inaccurate in 1999, W's qualifying period closes immediately prior to the beginning of W's 1999 taxable year. Therefore, W must update its test period beginning in 1999. W must use actual combined absorption ratios under the simplified resale method beginning in 1999 and throughout the updated test period (2000 and 2001). W must resume using the historic absorption ratio (determined with reference to the updated test period) in 2002, the third taxable year following 1999.

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Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.
[FR Doc. 99-12898 Filed 5-21-99; 8:45 am]
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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-042]

RIN 1218-AB77

Employer Payment For Personal Protective Equipment

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Rescheduling of informal public hearing; extension of comment period.

SUMMARY: OSHA is rescheduling the informal public hearing on its proposed rule on employer payment for personal protective equipment. The hearing, which had been scheduled for June 22 has been rescheduled for August 10, 1999. The Agency is also extending the deadline for written comments on the proposed rule.

DATES: *Informal public hearing.* The hearing is scheduled to begin at 9:30 a.m. on August 10, 1999.

Notices of intention to appear, testimony, and documentary evidence. Notices of intention to appear at the informal public hearing must be postmarked by July 16, 1999. If you will be requesting more than 10 minutes for your presentation, or if you will be submitting documentary evidence at the hearing, you must submit the full text of your testimony and all documentary evidence to the Docket Office, postmarked by July 23, 1999.

Written Comments. Written comments on the proposed rule must be

postmarked by July 23, 1999. If you submit comments electronically through OSHA's internet site, you must transmit those comments by July 23, 1999.

ADDRESSES: Informal public hearing. The hearing will be held in the auditorium of the U.S. Department of Labor (Frances Perkins Building), 200 Constitution Avenue, N.W., Washington, D.C.

Comments, Testimony, and Documentary Evidence. Submit four copies of written comments, notices of intention to appear at the informal public hearing, testimony, and documentary evidence to the OSHA Docket Office, Docket S-042, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. (Telephone: (202) 693-2350) Please identify the document at the top of the first page as either a comment, notice of intention to appear, testimony, or documentary evidence. If your written comments are 10 pages or less, you may fax them to the Docket Office, but you must then submit a hard copy to the Docket Office postmarked within two days. The OSHA Docket Office fax number is (202) 693-1648.

You may also submit comments electronically through OSHA's Internet site. The URL of that site is as follows: <http://www.osha-slc.gov/e-comments/e-comments-ppe.html>. Please be aware that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit them separately in quadruplicate to the Docket Office at the address listed above. When submitting such materials to the Docket Office, you must clearly identify your electronic comments by name, date, and subject, so that we can attach them to your electronic comments.

SUPPLEMENTARY INFORMATION:

I. Background

On March 31, 1999, OSHA published a proposed rule (64 FR 15402) that would require employers to pay for all required personal protective equipment, with limited exceptions for some types of footwear and eyewear. We provided a written comment period through June 14, 1999, and scheduled an informal public hearing to begin on June 22, 1999.

Due to a scheduling conflict, we are rescheduling the June 22 public hearing. The hearing is now scheduled to begin at 9:30 a.m. on August 10, 1999, in the auditorium of the Department of Labor (Frances Perkins Building), 200 Constitution Avenue, N.W., Washington, D.C. 20210. We are also extending the written comment period, which will now run through July 23, 1999.

II. PPE Survey

As discussed in the preamble of the March 31, 1999, proposed rule for Employer Payment for Personal Protective Equipment (64 FR 15421), OSHA is conducting a nationwide telephone survey to obtain more accurate data on current patterns of PPE payment and usage. We now expect the survey to be completed within the next several weeks. When we have completed the survey, we will place the survey results in the rulemaking record (Docket S-042). We will also publish a **Federal Register** notice to announce that the survey is available and to invite additional public comment on the results.

III. Public Participation

Written Comments

Interested parties are invited to submit written data, views, and comments with respect to this proposal. If you wish to file written comments on the proposed PPE Payment rule, you must submit them in one of the following forms: (1) Hard copy, in quadruplicate; or (2) an original (hard copy) with 1 disk (3½" or 5¼") in WordPerfect 5.0, 5.1, 6.0, 8.0, or ASCII, to the Docket Office, Docket No. S-042, Room N2625, U.S. Department of Labor, 200 Constitution Ave. N.W., Washington, DC 20210.

You may also submit written comments electronically, using OSHA's website: <http://www.osha-slc.gov/e-comments/e-comments-ppe.html>. However, please be aware that you cannot attach materials such as studies or journal articles to your electronic comment. If you wish to submit such materials to supplement your electronic comment, you must submit them separately (either in quadruplicate or in single copy plus diskette) to the Docket Office at the address noted above. You must clearly identify these materials by including your name and the date and subject of your electronic comments, so that we can attach the materials to your comments.

All comments, views, data, and arguments that we receive within the specific comment period will become part of the record and will be available for public inspection and copying at the above Docket Office address.

Notices of Intention to Appear at the Informal Hearing

The informal public hearing will begin at 9:30 a.m. on August 10, 1999, in the auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. We will continue the hearing

through August 20, 1999, depending on the number of public participants.

If you wish to participate in the hearing, you must file four copies of a notice of intention to appear. This notice must be postmarked on or before July 16, 1999. Your notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (Room N2625), must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The issues that will be addressed;
5. A brief statement of the position that will be taken with respect to each issue; and,
6. Whether the party intends to submit documentary evidence and, if so, a brief summary of that evidence.

Mail the notice of intention to appear to: Docket Office, Docket S-042, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. The telephone number of the Docket Office is (202) 693-2350.

You may also transmit your notice of intention to appear by facsimile to (202) 693-1648 (Attention: Docket S-042), by July 16, 1999, provided that you send an original and 3 copies of the notice to the Docket Office postmarked no more than 3 days later.

Filing of Testimony and Evidence Before the Hearing

If you request more than 10 minutes for your presentation at the hearing, or if you will be submitting documentary evidence, you must provide us with four copies of the complete text of the testimony and documentary evidence. One copy must not be stapled or bound and must be suitable for copying. You must provide the Docket Office with these materials postmarked no later than July 23, 1999.

We will review all testimony and evidence in light of the amount of time requested in the notice of intention to appear. If the information contained in a submission does not justify the amount of time requested, we will allocate a more appropriate amount of time and notify the participant of that fact prior to the informal public hearing.

If you do not submit your materials in accordance with the schedule and other requirements, we may limit your presentation to 10 minutes. We may also ask you to return for questioning at a later time.

Any party who has not filed a notice of intention to appear may be allowed to testify for no more than 10 minutes

as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notices of intention to appear, testimony, and evidence will be available for copying at the Docket Office at the address noted above.

Conduct and Nature of the Hearing

The hearing on the PPE Payment proposal will be conducted under OSHA's standards-setting procedures in 29 CFR part 1911. It should be noted that under section 1911.4, the Assistant Secretary may also implement alternative procedures to expedite the proceedings or for other good cause, upon reasonable notice.

The hearing will be presided over by an Administrative Law Judge (ALJ) who makes no decision or recommendation on the merits of OSHA's proposal. The ALJ's responsibility is to ensure that the hearing proceeds at a reasonable pace and in an orderly manner. The ALJ, therefore, will have all of the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections, and comparable matters;
3. To confine the presentations to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. At the Judge's discretion, to question and permit the questioning of any witness and to limit the time for questioning; and,
6. At the Judge's discretion, to keep the record open for a reasonable, stated time (known as the post-hearing comment period) to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

An OSHA standards hearing provides interested persons with an opportunity to make effective oral presentations, without procedural restraints that unnecessarily impede or protract the rulemaking process. The hearing is primarily for information gathering and clarification. It is an informal administrative proceeding, rather than an adjudication. The technical rules of evidence, for example, do not apply. The regulations that govern OSHA hearings, combined with the pre-hearing guidelines that the ALJ will issue for this hearing, will ensure fairness and due process, and will enable OSHA to develop a clear, accurate, and complete record. Questions of relevance, procedure, and participation generally

will be decided in favor of the most effective development of the record.

Signed at Washington, D.C., this 17th day of May 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99-13018 Filed 5-21-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141, 142 and 143

[FRL-6347-6]

Proposed Public Notification Regulations—Announcement of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: The United States Environmental Protection Agency (EPA) is announcing a series of public meetings to solicit comments on proposed changes to the drinking water public notification regulations (64 *FR* 25963, May 13, 1999) and on the draft public notification handbook (EPA 816-R-99-004). The public notification regulations apply to owners and operators of public water systems which fail to comply with the drinking water standards and related regulations under the Safe Drinking Water Act. EPA is developing the handbook to aid water systems in their efforts to prepare effective public notices.

DATES: EPA is scheduling meetings in four locations to obtain public comment on the proposed regulations and to work with interested parties to develop the final handbook:

May 26, 9 a.m., Madison, Wisconsin
June 2, 5 p.m. and June 3, 10 a.m.,

Washington, D.C.

June 8-9, 10 a.m., Allentown,

Pennsylvania

June 23-24, 10 a.m., Phoenix, Arizona

ADDRESSES: EPA is requesting that interested parties register with the Safe Drinking Water Hotline at 1-800-426-4791 prior to the scheduled meeting date. Those registering with the Hotline seven days in advance of the meeting date will be sent copies of the agenda and supporting materials.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline at 1-800-426-4791 for exact schedules and agendas for the public meetings. Copies of the proposed regulation and the draft Handbook may be obtained by calling the Hotline or by downloading the