FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasonsed regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ASO–17.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class E airspace at Puerto Rico, PR. This proposal would increase the size of the Puerto Rico, PR, Class E airspace areas to include the airspace within Warning Areas W–370A, W–373A and W–373C, in order to facilitate the handling, reduce the coordination and increase the safety of United States military aircraft returning to Roosevelt Roads Naval Station below 5,500 MSL, which is the floor of the overlying San Juan Low Class E airspace area, in IMC from the Warning Areas. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 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 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.

* * * * *

ASO PR E5 Puerto Rico, PR [Revised]

San Juan Fernando Luis Ribas Dominicci Airport, PR
(Lat. 18°27′41″ N., long. 66°05′89″ W.)

That airspace extending upward from 1200 feet or more above the surface of the earth beginning at lat. 18°50′″ N., long. 68°00′″ W.; to lat. 18°45′23″ N., long. 66°54′58″ W.; to lat. 18°33′ N., long. 64°22′ W.; to lat. 17°20′ N., long. 64°22′ W.; to lat. 17°29′ N., long. 64°54′ W.; to lat. 17°29′53″ N., long. 64°55′39″ W.; to lat. 17°29′53″ N., long. 66°18′20″ W.; to lat. 17°44′53″ N., long. 66°16′49″ W.; to lat. 17°47′16″ N., long. 66°16′56″ W.; to lat. 17°42′ N., long. 68°00′ W.; to the point of beginning; excluding that airspace within Warning Area W–371; and that airspace extending upward from 2,700 feet above the surface of the earth beginning at lat. 18°33′″ N., long. 64°22′ W.; to lat. 18°25′23″ N., long. 62°52′ W.; to lat. 17°47′ N., long. 62°23′ W.; to lat. 17°22′ N., long. 62°59′ W.; to lat. 16°58′ N., long. 63°00′ W.; to lat. 17°20′ N., long. 64°22′ W.; to the point of beginning; and that airspace extending upward from 2,700 feet above the surface of the earth beginning at lat. 18°45′23″ N., long. 66°54′58″ W.; to lat. 19°00′ N., long. 66°10′ W.; to lat. 19°00′ N., long. 5°45′ W.; to lat. 18°45′ N., long. 64°22′ W.; to lat. 18°33′ N., long. 64°22′ W.; to the point of beginning.

* * * * *

Issued in College Park, Georgia, on November 4, 1999.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 99–30662 Filed 11–23–99 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 310

''Do-Not Call ''Provisions of Telemarketing Sales Rule; Meeting

AGENCY: Federal Trade Commission.

ACTION: Announcement of public forum on the ''Do-Not-Call'' provision of the telemarketing sales rule.

SUMMARY: The Federal Trade Commission plans to hold a public

forum on January 11, 2000, to discuss issues relating to the ''do-not-call'' provision of the Telemarketing Sales Rule, 16 CFR Part 310.

DATES: The public forum will be held on January 11, 2000, in Washington, DC, from 8:30 a.m. until 5:30 p.m. Notification of interest in participating in the forum must be submitted on or before December 10, 1999.

ADDRESSES: Notification of interest in participating in the public forum should be submitted in writing to Carole I. Danielson, Division of Marketing Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room 238, Washington, DC 20580. The public forum will be held at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room 432, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Catherine C. Harrington-McBride (202) 326–2452 (email cmcbride@ftc.gov), Karen Leonard (202) 326–3597, (email kleonard@ftc.gov), or Carole I. Danielson (202) 326–3115 (email cdanielson@ftc.gov), Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On August 16, 1994, President Clinton signed into law the Telemarketing and Consumer Fraud and Abuse Prevention Act (''Telemarketing Act'' or ''the Act''),[1] which directed the Commission to prescribe rules prohibiting deceptive and abusive telemarketing acts or practices. In response to this Congressional directive, the Commission promulgated its Telemarketing Sales Rule (''the Rule''), 16 CFR Part 310, which became effective on December 31, 1995.[2]

The Telemarketing Act directed the Commission to include in its rules ''a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy.'' [3] Section 310.4(b) of the Rule sets forth two prohibitions on sellers and telemarketers which were intended to effectuate this requirement of the Act. First, § 310.4(b)(1)(i) prohibits causing any telephone to ring, or engaging any person in telephone conversation, repeatedly or continuously with the intent to annoy, abuse, or harass any person at the called number.[4] The second provision in the Rule intended to limit unsolicited telephone calls is the ''do-not-call'' requirement set forth in § 310.4(b)(1)(ii). This section prohibits any telemarketer from initiating, or any seller from causing a telemarketer to initiate, an outbound telephone call to a person when that person previously has stated that he or she does not wish to receive such a call made by or on behalf of the seller whose goods or services are being offered. This provision is modeled on a similar provision included in the FCC's regulations,[5] adopted pursuant to the Telephone Consumer Protection Act (''TCPA'').[6]

Although both the FTC and the FCC have similar regulations prohibiting sellers or telemarketers from calling persons who have stated that they do not wish to be called, there are differences in the enforcement of the TCPA and the Telemarketing Sales Rule. The Rule may be enforced by the Commission or the States.[7] In addition to injunctions, each violation can result in a court's assessment of civil penalties up to $11,000 per violation, or an order to pay redress or disgorgement under Section 13(b) of the FTC Act, 15 U.S.C. 53(b). By contrast, the TCPA ''do-not-call'' provisions primarily have been enforced by consumers. The TCPA provides a private right of action for a consumer who receives more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the FCC's regulation.[8] Such a plaintiff can recover the greater of $500 or actual damages.

Because of the differences in the agencies' ''do-not-call'' provisions, the Commission declined to make a blanket pronouncement that compliance with the TCPA's ''do-not-call'' procedures would constitute compliance with the Telemarketing Sales Rule.[9] Nonetheless, the Commission has clarified that sellers and telemarketers need compile only one list of consumers who wish not to be called in order to comply with the recordkeeping provisions of both the TCPA and the Rule.[10]

While much of the TSR takes aim against fraudulent telemarketing, an equally important goal of the TSR is to protect consumers' right to privacy. In the five years since the Rule became effective, consumers increasingly have become interested in choosing what information is available about them and with whom and under what circumstances that information may be shared. In response to these concerns, local telephone companies and others have begun to market products that allow consumers to screen out calls from telemarketers, for example, by playing a message stating that no telemarketing calls are accepted or by blocking all calls except those from specific numbers selected by the consumer. Many states have responded to consumer concerns by enacting ''no call'' legislation,[11] under which consumers may have their names placed on a list maintained by a centralized list-holder of persons who do not wish to receive telemarketing calls.[12] Sellers or telemarketers who call any of the persons on that list would be in violation of state law. Increased consumer awareness of the right to be placed on a ''do-not-call'' list also has resulted in the Commission receiving numerous consumer inquiries on how to stop receiving telemarketing calls and how to assert the right to sue an offending seller or telemarketer under the TCPA.[13]

During the year 2000, the Commission will be conducting a review of its Telemarketing Sales Rule.[14] Simultaneously with this rule review, the Commission intends to conduct a broader study of telemarketing. The planned result is a separate report on the technological, social, business, and

[1] 15 U.S.C. 6101 *et seq.*

[2] 60 FR 43842 (August 23, 1995).

[3] 15 U.S.C. 6102(a)(3)(A).

[4] This provision is modeled on a similar provision in the Fair Debt Collection Practices Act (''FDCPA''). 15 U.S.C. 1692(d)(5). The legislative history of the Telemarketing Act indicated Congress' intent that the Commission consider the FDCPA in establishing prohibited abusive telemarketing acts or practices. *See, e.g.*, H.R. Rep. No. 20, 103rd Cong., 1st Sess. at 8.

[5] 47 CFR 64.1200(a)–(f), 64.1200(e).

[6] 47 U.S.C. 227.

[7] *See* 15 U.S.C. 6102(c), 6103. In addition, a person who suffers more than $50,000 in actual damages has a private right of action under the Rule. *See* 15 U.S.C. 6104.

[8] *See* 47 U.S.C. 227(c)(5).

[9] 60 FR at 43855.

[10] *Id.*

[11] *See, e.g.!, Alabama, 1999 Ala. Acts 589; Alaska, 1996 Alaska Sess. Laws 142; Arkansas, 1999 Ark. Acts 1465; Florida, Fla. Stat. § 501.059; Georgia, Ga. Comp. R. & Regs. r. 515–14–1; Kentucky, 1999 Ky. Rev. Stat. Ann. § 367.46951 (Michie 1999); Oregon, 1999 Ore. Laws 564; Tennessee,1999 Tenn. Pub. Acts 478.*

[12] The idea of a central ''no-call'' list is not new. For many years, Direct Marketing Association (''DMA'') has maintained a no-call database called the ''Telephone Preference Service.'' Consumers may place their names and numbers on a list, which is provided to all DMA members. To remain in good standing with the DMA, its members agree to check the list regularly and remove from their call lists any person who has requested not to be called.

[13] FTC staff refers consumers to the FCC for assistance on how to assert their rights under the TCPA.

[14] The Telemarketing Act directs the Commission to conduct a review of the Rule and its impact on fraudulent telemarketing after 5 years following its promulgation, and to report the results to Congress. 15 U.S.C. 6108.

other forces that have shaped the practice of telemarketing over the past two decades. The report will also look forward, assessing emerging trends for the future. The Commission will publish a separate **Federal Register** notice shortly to solicit comments and opinions in connection with both the rule review and the broader report on the telemarketing industry. In addition to requesting written comments and academic studies, the Commission plans to hold a series of public forums to afford staff and interested parties an opportunity to explore relevant issues.

The first forum in this series will address the ''do-not-call'' issue. By devoting an entire forum to this single topic, the Commission staff expects that interested parties will have sufficient time to explore the many facets of this important topic. This forum will be held in advance of the deadline for submitting written comments in the overall rule review so that participants will be able to use the ''do-not-call'' discussion to advance alternative approaches, to gain deeper insight into the forces motivating the various interested parties, and to make their subsequent written comments more focused than they might otherwise be.

After analyzing the complete record of the rule review, which will include the information provided at all the forums as well as all written comments and academic studies, the Commission will determine whether to propose amendments to the ''do-not-call'' provision or any of the other Rule provisions. The Commission will also use the information gathered during the review process in its report on telemarketing.

Section B. Public Forum

The FTC staff will conduct a public forum to discuss the issues raised by the ''do-not-call'' requirement set forth in § 310.4(b)(1)(ii) of the Telemarketing Sales Rule. The purpose of the forum is to facilitate a discussion among members of industry, consumer groups, state regulators, and law enforcement agencies about issues raised by this provision, and possible solutions to any concerns raised in the forum.

Section C. Request To Participate

The FTC invites members of the public, industry, and other interested parties to participate in the forum. To be eligible to participate, you must file a request to participate by December 10, 1999. If the number of parties who request to participate in the forum is so large that including all requesters would inhibit effective discussion among participants, FTC staff will select as participants a limited number of parties to represent the relevant interests. Selection will be based on the following criteria:

1. The party submitted a request to participate by December 10, 1999.

2. The party's participation would promote the representation of a balance of interests at the forum.

3. The party's participation would promote the consideration and discussion of the issues to be presented in the forum.

4. The party has expertise in issues to be raised in the forum.

5. The party adequately reflects the views of the affected interest(s) which it purports to represent.

If it is necessary to limit the number of participants, those who requested to participate but were not selected will be afforded an opportunity, if at all possible, to present statements during a limited time period at the end of the session. The time allotted for these statements will be based on the amount of time necessary for discussion of the issues by the selected parties, and on the number of persons who wish to make statements.

Requesters will be notified as soon as possible after December 10, 1999, whether they have been selected to participate.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–30700 Filed 11–23–99; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Family Member Dental Plan

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the comprehensive CHAMPUS regulation pertaining to the Expanded Active Duty Dependents Benefit Plan. The new plan, and this proposed rule: places the responsibility for TRICARE Family Member Dental Plan (TFMDP) enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill eligible dependents for plan premiums in certain circumstances; reduces the enrollment period from 24 to 12 months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory 12 month enrollment; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service families with numerous quality of life benefits that will improve participation in the plan, significantly reduce enrollment errors and positively effect utilization of this important dental plan.

DATES: Comments must be received by December 27, 1999.

ADDRESSES: Address all comments concerning this proposed rule to TRICARE Management Activity/Special Contract Operations Branch, 16401 East Centretech Parkway, Aurora, CO 80011–9043.

FOR FURTHER INFORMATION CONTACT: Lt Col Brian W. Grassi, 303–676–3496.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Changes

The Basic Active Duty Dependents Dental Benefit Plan was implemented on August 1, 1987, allowing military personnel to voluntarily enroll their dependents in a basic dental health care plan. Under this plan, DoD shared the cost of the premium with the active duty service member. Although the plan was viewed as a major step in benefit enhancement for military families, there were still complaints that the enabling legislation was too restrictive in scope and that there should be expansion of services to better meet the dental needs of the Uniformed Service family.

Congress responded to these concerns by authorizing the Secretary of Defense to develop and implement an Expanded Active Duty Dependents Dental Benefit Plan (the Defense Authorization Act, Public Law 102–484, sec. 701). The provisions of this Act specified the expended benefit structure, as well as maximum monthly premiums for enrollees. Cost-sharing levels for the expanded benefits were left up to the discretion of the Secretary of Defense after consultation with the other Administering Secretaries. The provisions of this Act were implemented on April 1, 1993.