

(3) *Earnings that will ordinarily show that the claimant has not engaged in substantial gainful activity.* The Board will generally consider that the earnings from the employed claimant's work will show that the claimant has not engaged in substantial gainful activity if—

For months	Monthly earnings averaged less than
In calendar years before 1976 ...	\$130
In calendar year 1976 .....	150
In calendar year 1977 .....	160
In calendar year 1978 .....	170
In calendar year 1979 .....	180
In calendar years 1980–1989 .....	190
After December 1989 .....	300

(4) *If the claimant works in a sheltered workshop.* If the claimant is working in a sheltered workshop or a comparable facility especially set up for severely impaired persons, the claimant's earnings and activities will ordinarily establish that the claimant has not done substantial gainful activity if—

For months	Average monthly earnings are not greater than
In calendar years before 1976 ...	\$200
In calendar year 1976 .....	230
In calendar year 1977 .....	240
In calendar 1978 .....	260
In calendar year 1979 .....	280
In calendar years 1980–1989 .....	300
In January 1990–June 1999 .....	500
After June 1999 .....	700

\* \* \* \* \*  
 Dated: November 10, 1999.  
 By authority of the Board.  
 For the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*  
 [FR Doc. 99–30074 Filed 11–17–99; 8:45 am]  
 BILLING CODE 7905–01–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 884**

[Docket No. 97N–0335]

**Obstetric and Gynecologic Devices; Reclassification and Classification of Medical Devices Used for In Vitro Fertilization and Related Assisted Reproduction Procedures; Technical Amendment**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its obstetrical and gynecological device regulations regarding assisted reproductive microscopes and microscope accessories. This action is being taken to ensure accuracy and clarity in the agency's regulations.

**EFFECTIVE DATE:** November 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** Lajuana D. Caldwell, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

**SUPPLEMENTARY INFORMATION:** FDA has discovered that an error was incorporated into the agency's obstetrical and gynecological devices regulations for assisted reproductive microscopes and microscope accessories. In an amendment to 21 CFR part 884, which added 21 CFR 884.6190 and published on September 10, 1998 (63 FR 48428), a sentence stating that the device is exempt from the premarket notification procedures was inadvertently included in paragraph (a) instead of paragraph (b). This document corrects that error. Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive.

**List of Subjects in 21 CFR Part 884**

Medical devices.  
 Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

**PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES**

1. The authority citation for 21 CFR part 884 continues to read as follows:

**Authority:** 21 CFR U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 884.6190 is amended by removing the last sentence in paragraph (a), and paragraph (b) is revised to read as follows:

**§ 884.6190 Assisted reproductive microscopes and microscope accessories.**  
 \* \* \* \* \*

(b) *Classification.* Class 1. This device is exempt from the premarket notification procedures in subpart E of part 807 of chapter subject to limitation in § 884.9.

Dated: November 4, 1999.

**Linda S. Kahan,**  
*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 99–30084 Filed 11–17–99; 8:45 am]

BILLING CODE 4160–01–F

**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 202**

[Docket No.: RM–99–6]

**Copyright Rules and Regulations**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Technical amendment.

**SUMMARY:** The definition of what is the best edition of a published work is found in 37 CFR 202.19(b)(1)(i). The Copyright Office is amending its regulations to clarify where the public may find a statement on the best edition of published copyrighted works for the collections of the Library of Congress. The statement, which contains the criteria for selection of what constitutes the "best edition" of a published work, is located in appendix B of 37 CFR part 202.

**EFFECTIVE DATE:** November 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Fax: (202) 707–8366.

**SUPPLEMENTARY INFORMATION:** Section 407 of the copyright statute requires that the best edition of a published work must be deposited with a copyright registration application so that the Library of Congress may consider whether to select a work for its collections or for other suitable purposes. See 37 CFR 202.19. The Copyright Office is now amending its regulation concerning what constitutes

the "best edition" of a published work for registration purposes. This amendment merely clarifies that the criteria for selection of the "best edition" of published copies or phonorecords is located in appendix B title 37 of the Code of Federal Regulations. Information about "best edition" copies or phonorecords is also located in the Office's Circular 7b.

**List of Subjects in 37 CFR Part 202**

Copyright, Registration of claims to copyright.

For the reasons stated above, 37 CFR part 202 is amended as follows:

**PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT**

1. The authority citation for part 202 continues to read as follows:

**Authority:** 17 U.S.C. 702.

**§ 202.19 [Amended]**

2. Section 202.19 is amended by adding at the end of paragraph (b)(1)(i) a new sentence to read as follows:

\* \* \* \* \*

(b) \* \* \*

(l) \* \* \*

(i) \* \* \* The "best edition" requirement is described in detail at Appendix B to this part.

\* \* \* \* \*

3. Section 202.19(b)(1)(ii) is amended by removing "Copies of the Best Edition Statement are available upon request made to the Copyright Acquisitions Division."

Dated: November 10, 1999.

**Marybeth Peters,**

*Register of Copyrights.*

[FR Doc. 99-29877 Filed 11-17-99; 8:45 am]

BILLING CODE 1410-30-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[IN94-1a; FRL-6476-9]

**Approval of Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving Indiana's State Plan to control air pollutants from Municipal Waste Combustors (MWC). The Indiana Department of Environmental Management (IDEM) submitted the State Plan on September 30, 1999. The State Plan adopts the

Federal Emissions Guidelines (EG) applicable to existing MWCs with the capacity to combust more than 250 Tons Per Day (TPD) of Municipal Solid Waste (MSW). The State Plan applies to the Indianapolis Resource Recovery Facility in Indianapolis, Indiana. This approval means that EPA finds the State Plan meets applicable Clean Air Act (Act) requirements for MWC State Plans. Once effective, the approval makes the State Plan federally enforceable, and Indiana's MWC will not be subject to the MWC Federal Plan.

**DATES:** This rule is effective on January 18, 2000, unless EPA receives adverse written comments by December 20, 1999. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend you contact Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082 before visiting the Region 5 Office).

**FOR FURTHER INFORMATION CONTACT:** Mark J. Palermo, Environmental Protection Specialist, at (312) 886-6082.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we," "us," or "our" are used, we mean EPA.

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**I. What Is EPA Approving in This Action?**

We are approving the September 30, 1999, Indiana State Plan which implements the requirements of sections 111(d) and 129 of the Act as applicable to MWCs. This approval, once effective, will make the Indiana MWC rule included in the plan federally enforceable.

**II. The MWC State Plan Requirement**

*What Is an MWC State Plan?*

An MWC State Plan is a plan to control air pollutant emissions from certain combustors burning municipal solid waste. The plan also includes source and emission inventory information.

*Why Did Indiana Submit an MWC State Plan?*

Sections 111(d) and 129 of the Act require States to submit State Plans to control emissions from existing MWCs in the State. The State Plan requirement was triggered when we published the EG for MWCs on December 19, 1995 (60 FR 65387). We codified the EG at 40 CFR part 60, subpart Cb.

Under section 129 of the Act, we are required to promulgate EGs for several categories of existing solid waste incinerators. Section 129 provides that the emission limitations in the EGs may not be less stringent than the average emission limitations achieved by the best performing 12 percent of units in the category. This is commonly referred to as the "Maximum Available Control Technology (MACT) floor" for existing units. Emission control options less stringent than the MACT floor can not be considered in developing section 129 EGs. In addition to emission limitations, the MWC EG also establishes requirements for compliance dates, monitoring, and operator training, as required by section 129.