(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—

<table>
<thead>
<tr>
<th>For months</th>
<th>Monthly earnings averaged less than</th>
</tr>
</thead>
<tbody>
<tr>
<td>In calendar years before 1976</td>
<td>$130</td>
</tr>
<tr>
<td>In calendar year 1976</td>
<td>150</td>
</tr>
<tr>
<td>In calendar year 1977</td>
<td>160</td>
</tr>
<tr>
<td>In calendar year 1978</td>
<td>170</td>
</tr>
<tr>
<td>In calendar year 1979</td>
<td>180</td>
</tr>
<tr>
<td>In calendar years 1980–1989</td>
<td>190</td>
</tr>
<tr>
<td>After December 1989</td>
<td>300</td>
</tr>
</tbody>
</table>

(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—

<table>
<thead>
<tr>
<th>For months</th>
<th>Average monthly earnings are not greater than</th>
</tr>
</thead>
<tbody>
<tr>
<td>In calendar years before 1976</td>
<td>$200</td>
</tr>
<tr>
<td>In calendar year 1976</td>
<td>230</td>
</tr>
<tr>
<td>In calendar year 1977</td>
<td>240</td>
</tr>
<tr>
<td>In calendar year 1978</td>
<td>260</td>
</tr>
<tr>
<td>In calendar year 1979</td>
<td>280</td>
</tr>
<tr>
<td>In calendar years 1980–1989</td>
<td>300</td>
</tr>
<tr>
<td>In January 1990–June 1999</td>
<td>500</td>
</tr>
<tr>
<td>After June 1999</td>
<td>700</td>
</tr>
</tbody>
</table>


By authority of 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: Lajuala 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 device regulations regarding 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:


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.

1. 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.


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.


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

I. Petitions for Judicial Review
II. Administrative Requirements
    A. Executive Order 12866
    B. Executive Order 13132
    C. Executive Order 13045
    D. Executive Order 13084
    E. Regulatory Flexibility Act
    F. Unfunded Mandates
    G. Submission to Congress and the Comptroller General
    H. National Technology Transfer and Advancement Act
    I. Petitions for Judicial Review

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 Achievable 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.